

Larkins v. Werlin  
GIC 781970

Deposition of Robin Donlan  
November 4, 2004

Page 114

1 A. No.  
2 Q. Why do you think you were transferred?  
3 A. I was only given that reason. I don't choose to  
4 speculate on any other reasons.  
5 Q. Do you think you were transferred because you  
6 were -- you talked a lot in staff meetings?  
7 A. I don't choose to speculate on any other  
8 reasons. I'm not privy to that information as to why I  
9 was transferred other than the information I was given,  
10 which is that it was in the best interests of the  
11 educational program.  
12 Q. Did you tell any reporter that you were  
13 transferred because you disagreed with Ollie Matos?  
14 A. I don't specifically recall making that  
15 statement.  
16 Q. Did you discuss your transfer with a reporter?  
17 A. Yes, I did.  
18 Q. What do you recall saying to the reporter?  
19 A. I expressed my concerns that I would be replaced  
20 with a person who was not credentialed in special ed and  
21 that that would not be in the best interest of those  
22 students.  
23 Q. What do you feel that a uncredentialed teacher  
24 in special ed would do differently from you?  
25 A. They don't have the training or the background

Page 116

1 the question.  
2 BY MS. LARKINS:  
3 Q. Do you feel that you are able to get your  
4 students to behave better than other teachers are able  
5 to?  
6 A. I believe that I'm able to get my students to  
7 behave.  
8 Q. And by "behave," what do you mean by that?  
9 A. Remain on task, behave in a civilized manner,  
10 follow the rules of the school and of the classroom.  
11 Q. Okay. Does that involve walking around the  
12 room?  
13 MS. ANGELL: Vague and ambiguous.  
14 THE WITNESS: I don't understand what you mean.  
15 BY MS. LARKINS:  
16 Q. Do you allow your students to walk around the  
17 room?  
18 A. Occasionally, yes.  
19 Q. But for the most part, they should stay in their  
20 seats?  
21 A. Yes.  
22 Q. Okay. Do you allow your students to talk?  
23 A. Not during their instructional time or during  
24 quiet work time, no.  
25 Q. Okay. Do you require that your children walk in

Page 115

1 on theory, behavior --  
2 MS. ANGELL: I'm going to interpose an  
3 objection. This calls for speculation.  
4 THE WITNESS: Okay.  
5 MS. ANGELL: So you're not to guess.  
6 THE WITNESS: Okay.  
7 A credential provides training as to how to deal  
8 with the special ed population. An uncredentialed person  
9 would be lacking this training.  
10 BY MS. LARKINS:  
11 Q. But I'm trying to figure out what you feared  
12 would result.  
13 A. That the students would not receive the best  
14 quality education possible from an unqualified teacher.  
15 Q. Okay. Are you afraid that they would not be  
16 properly disciplined?  
17 A. Discipline is not specific to special ed.  
18 Q. Do special ed classrooms have different  
19 discipline problems from regular classrooms?  
20 A. Not that I've seen.  
21 Q. Do you consider yourself an above-average  
22 teacher as far as discipline goes?  
23 MS. ANGELL: Objection. Vague and ambiguous.  
24 Do you mean her ability to maintain the classroom without  
25 having to impose discipline? I don't really understand

Page 117

1 a very straight line?  
2 MS. ANGELL: Objection. Vague and ambiguous as  
3 to time. Are you talking about now in the 2004-2005  
4 school year for this question and the previous question  
5 concerning discipline?  
6 MS. LARKINS: Good suggestion.  
7 Q. When you were at Castle Park, did you require  
8 your students to walk in a very straight line?  
9 MS. ANGELL: Do you mean -- excuse me. Vague  
10 and ambiguous as to time. Are you talking about a 13 or  
11 14-year time span and continuously requiring students to  
12 walk in a straight line for 14 years?  
13 MS. LARKINS: That's an interesting question.  
14 Q. Did you ever require that students walk in a  
15 straight line for 14 years?  
16 A. No.  
17 Q. I didn't think so.  
18 Did you change your discipline requirements over  
19 the years at Castle Park?  
20 A. My discipline requirements were adjusted to suit  
21 the needs of the students that I had.  
22 Q. Did you require straighter lines some years than  
23 other years?  
24 A. No.  
25 Q. So during all the years that you taught at

30 (Pages 114 to 117)

Larkins v. Werlin  
GIC 781970

Deposition of Robin Donlan  
November 4, 2004

Page 118

1 Castle Park, you required your students to walk in a  
2 straight line?

3 A. My emphasis was more on a quiet line than a  
4 straight line.

5 Q. Okay. What do you think of teachers who don't  
6 require their students to walk in a straight line?

7 MS. ANGELL: Vague and ambiguous as to this  
8 straight line business. I don't know what you are  
9 talking about. Do you mean when students walk to a  
10 recess or any particular time, or do you mean every time  
11 more than one student is standing they need to be in line  
12 or -- not being a teacher, I don't know what you are  
13 talking about.

14 MS. LARKINS: Okay. I think since we know what  
15 we are talking about, I think I assume too much. Okay.

16 Q. When students are walking in a line, do you  
17 think their teachers are remiss if they don't require the  
18 line to be straight?

19 A. No. I think the teachers just have a different  
20 expectation than I have.

21 Q. Okay. Do you think that some of the teachers at  
22 Castle Park during the time you were teaching there were  
23 not as good teachers as you?

24 A. I wouldn't have any opinion on that. I have not  
25 observed many teachers in their classroom teaching.

Page 119

1 Q. And that would stop you from having an opinion  
2 about them?

3 A. If I have no knowledge from which to base it on.

4 Q. Good.

5 When you passed out these fliers, were you  
6 trying to make it impossible for Ollie Matos to lead the  
7 school?

8 MS. ANGELL: Objection. Vague and ambiguous.  
9 Are you referring to Exhibit 4?

10 MS. LARKINS: Yes. Thank you.

11 Q. When you passed out the fliers such as Exhibit  
12 4, were you trying to make it impossible for Ollie Matos  
13 to lead the school?

14 A. No.

15 Q. What were you trying to accomplish?

16 A. Inform the parents of the transfer and how they  
17 could stop it if they so chose.

18 Q. Okay.

19 MS. ANGELL: Do you need a break?

20 THE WITNESS: Yeah, if I could, please.

21 MS. GARVIN: Do you know how much longer you're  
22 going to be, Ms. Larkins?

23 MS. LARKINS: No, I don't, but I'm willing to  
24 end this and continue another day anytime you'd like.

25 VIDEOGRAPHER: Do you want to go off?

Page 120

1 MS. LARKINS: No. Let's keep this on.

2 MS. ANGELL: Well, I think that we will have to  
3 consult scheduling. I know that there are a number of  
4 additional depositions noticed next week and -- oh, yeah,  
5 there is some the following after that and then the  
6 following week after that, and then there is  
7 Thanksgiving. I mean you have depositions scheduled  
8 every week in November.

9 MS. LARKINS: This case has been going on for  
10 two and a half years, and I'm happy that we are  
11 finally -- we have only had one and a half depositions  
12 that I have taken in this case before today.

13 MS. ANGELL: You took Linda Watson's deposition  
14 and Gina Boyd's deposition.

15 MS. LARKINS: Gina Boyd's was not finished. You  
16 were here.

17 MS. ANGELL: I was here for two volumes of Gina  
18 Boyd's deposition, but that's not really relevant to the  
19 question of the scheduling time for a continuation of  
20 this deposition. So I think that what we will need to do  
21 is agree to consult -- you guys need to consult  
22 calendars? Because I don't have a current calendar with  
23 me.

24 MR. HERSH: Yeah, I do.

25 MS. ANGELL: You have one with you or you need

Page 121

1 to --

2 MR. HERSH: I have one with me, but, you know,  
3 obviously if you don't --

4 MS. ANGELL: We can check and see if there is  
5 another date available in November. And if not, we will  
6 try for November 1st and then -- you know, the month of  
7 November 1st.

8 THE WITNESS: December.

9 MS. ANGELL: Then if not in November, then we  
10 will check the dates in December.

11 MS. LARKINS: I have a trial starting on  
12 December 3rd.

13 MS. ANGELL: Uh-huh.

14 MS. LARKINS: In a companion case.

15 MR. HERSH: What's the companion case?

16 MS. LARKINS: Elizabeth Schulman.

17 MR. HERSH: You have a trial date?

18 MS. LARKINS: Yeah. I expect that to be a  
19 couple weeks at least.

20 MS. ANGELL: Okay. So what are you telling  
21 me --

22 MS. LARKINS: That I can't schedule depositions  
23 during that time.

24 MS. ANGELL: Okay.

25 MS. LARKINS: Okay.

31 (Pages 118 to 121)

Larkins v. Werlin  
GIC 781970

Deposition of Robin Donlan  
November 4, 2004

Page 122	Page 124
<p>1 MS. ANGELL: And I'm also going to request that 2 whenever you reset Mrs. Donlan's deposition -- how much 3 longer do you anticipate that you would probably have? 4 How much in your time frame of questioning, how much 5 longer do you anticipate you'll have? 6 MS. LARKINS: One day. 7 MS. ANGELL: Okay. Well, then, if you would not 8 mind, let's start it in the morning so that she doesn't 9 have to take additional days -- multiple days off work, 10 so we can get it all done in one day. 11 MS. LARKINS: Okay. 12 MS. ANGELL: That would be great. 13 MS. LARKINS: Okay. 14 MS. ANGELL: All right. 15 So why don't we agree that you all can do what 16 you want to check your schedules. I'll check my schedule 17 and Ms. Donlan's schedule and propose an alternative 18 date, hopefully in November -- 19 MS. LARKINS: Okay. 20 MS. ANGELL: -- to continue. 21 Does that sound agreeable? 22 MR. HERSH: Uh-huh. 23 MS. GARVIN: Yes. 24 MS. LARKINS: That's fine with me. 25 So do you want to quit for the day now, quit</p>	<p>1 MS. LARKINS: Yes. Yes. I should put this -- 2 this is Exhibit 5. Okay. 3 (Exhibit 5 marked for identification.) 4 BY MS. LARKINS: 5 Q. Ms. Donlan, would you please read the heading at 6 the top of the first page of this document? 7 A. "Before the Governing Board of the Chula Vista 8 Elementary School District." 9 Q. And would you read the rest of the heading, 10 please. 11 A. "In the Matter of the Accusation Against Maura 12 Larkins, Respondent." 13 Q. Okay. We won't worry about the case number. 14 Okay. 15 And do you -- what does it say just below the 16 word "respondent"? 17 A. "Deposition of Gretchen Donndelinger." 18 Q. How many pages does this document have? 19 A. I have no idea. 20 MS. ANGELL: It purports to be a condensed 21 transcript, so do you mean every page which has four 22 pages on it or what? I'm going to object that the 23 document speaks for itself. 24 THE WITNESS: It's not numerically ordered. 25 MS. LARKINS: It's not?</p>
Page 123	Page 125
<p>1 this session now? 2 MS. ANGELL: Well, it's not 5:00 o'clock yet. 3 We are happy to stay. I don't know what everybody else's 4 schedule is. 5 MR. HERSH: When I stay here, I hit the highway 6 and I'm going to be sitting one way or the other. 7 MS. LARKINS: 7:00 o'clock is the best time. 8 He's happy to stay here for quite a few more 9 hours. 10 MS. GARVIN: Are we going to take a break and go 11 off the record? 12 MS. LARKINS: Okay. Shall we do that now? 13 THE WITNESS: I would like to do that. 14 MS. LARKINS: Okay. I'll agree. 15 VIDEOGRAPHER: Off the record at 4:49. 16 (Recess taken.) 17 VIDEOGRAPHER: Back on the record at 4:55. 18 MS. LARKINS: Okay. I would like to ask that 19 this document be labeled -- okay -- as Exhibit 5. 20 I want to make sure that you get one, 21 Ms. Garvin, because this relates so specifically to your 22 client. Okay. Let's see. And I've got one for you, 23 Ms. Donlan. Then I'm afraid that's all I have. 24 MR. HERSH: This is going to be an exhibit so 25 I'll get a copy eventually.</p>	<p>1 THE WITNESS: No. 2 BY MS. LARKINS: 3 Q. Oh, yes. Okay. At the very bottom of each page 4 there -- could you turn to the second page, please, and 5 look at the very bottom of the page. 6 A. (Witness complies.) 7 Q. Okay. Do you see a number at the lower 8 right-hand corner? 9 A. I see more than one set of numbers. 10 Q. Can you read what you see? 11 A. I see one that says Page 5, and one that says 2, 12 Pages 2 to 5. 13 Q. Okay. So do you understand from looking at this 14 that each page has four condensed pages on it? 15 A. It's the entire document. Okay. 16 Q. Okay. Now, just looking at the numbers on the 17 condensed pages, would you please find Page 80. 18 A. (Witness complies.) 19 Q. Would you look at Page 80, Line 19. Could you 20 read the question there that starts on Line 19 and goes 21 to Line 21. 22 A. "Did Robert -- Robin Colls ever share with you 23 any kind of information concerning a police report 24 allegedly, somehow, involving Maura Larkins?" 25 Q. And could you please read the answer starting on</p>

32 (Pages 122 to 125)

Larkins v. Werlin  
GIC 781970

Deposition of Robin Donlan  
November 4, 2004

Page 126	Page 128
<p>1 Page -- Line 22 and continuing on to the next page.</p> <p>2 A. "Actually that did come up at some point when</p> <p>3 she was talking, but she herself said, you know, you</p> <p>4 don't want to hear anything about that, and I'm not going</p> <p>5 to tell you. I know that there is something, but I have</p> <p>6 no clue what it is."</p> <p>7 Q. And the first line, please, on Page 81.</p> <p>8 A. "She didn't want me to know."</p> <p>9 Q. Was there ever something about a police report</p> <p>10 that you didn't want Gretchen Donndelinger to know?</p> <p>11 A. Not to my recollection, no.</p> <p>12 Q. Okay. So according to your recollection,</p> <p>13 Gretchen Donndelinger's testimony about you here is</p> <p>14 false?</p> <p>15 A. As far as I recall.</p> <p>16 Q. Okay. Did your brother ever talk to you during</p> <p>17 the year 2000 about my having been arrested?</p> <p>18 MR. GARVIN: Vague and ambiguous.</p> <p>19 THE WITNESS: No.</p> <p>20 BY MS. LARKINS:</p> <p>21 Q. Okay. Would you please read the question on</p> <p>22 Line 2 of Page 81.</p> <p>23 A. "So she said there's something in the police</p> <p>24 report?"</p> <p>25 Q. And could you read Line 3?</p>	<p>1 information concerning a police report allegedly,</p> <p>2 somehow, involving Maura Larkins?" So it was concerning</p> <p>3 a police report allegedly, somehow, involving Maura</p> <p>4 Larkins.</p> <p>5 MR. HERSH: Okay.</p> <p>6 MS. LARKINS: Okay.</p> <p>7 Q. Well, I'm going to try help jog your memory</p> <p>8 here. So could you read the question that was asked of</p> <p>9 Gretchen Donndelinger that is recorded here on Line 10 on</p> <p>10 Page 81.</p> <p>11 A. "Was this in a face-to-face conversation with</p> <p>12 Robin Colls?"</p> <p>13 Q. And what was Gretchen's answer?</p> <p>14 A. "Yes."</p> <p>15 Q. Okay. You don't remember any face-to-face</p> <p>16 conversation with Gretchen Donndelinger about a police</p> <p>17 report that allegedly somehow involved me?</p> <p>18 A. No, I don't.</p> <p>19 Q. Okay. Do you have any experience of Gretchen</p> <p>20 Donndelinger having hallucinations?</p> <p>21 A. No. Personally, no.</p> <p>22 Q. Okay. But you heard -- her testimony here is</p> <p>23 false; is that your testimony?</p> <p>24 A. I don't have any recollection of that event.</p> <p>25 Q. Could this conversation have had happened and</p>
Page 127	Page 129
<p>1 A. "It was a personal thing."</p> <p>2 Q. Could you read Lines 4 and 5 which are another</p> <p>3 question.</p> <p>4 A. "Involving something that was a non-school</p> <p>5 matter but that Robin Colls was aware of?</p> <p>6 Uh-huh.</p> <p>7 Was that a yes?"</p> <p>8 Do I continue?</p> <p>9 Q. Okay. Now that you have read almost half a page</p> <p>10 of Gretchen Donndelinger's testimony about a conversation</p> <p>11 she claims to have had with you, are you getting any</p> <p>12 memories at all of this conversation?</p> <p>13 A. No, none whatsoever.</p> <p>14 Q. Okay. Do you have any explanation for why</p> <p>15 Gretchen Donndelinger would have said that you talked</p> <p>16 about a police report?</p> <p>17 MS. ANGELL: Objection. Calls for speculation.</p> <p>18 You don't guess in a deposition, but if you have</p> <p>19 information, if she told you something or if you have</p> <p>20 knowledge, then you express it.</p> <p>21 MR. HERSH: Did she testify that there was a</p> <p>22 police record or was that the question about a police</p> <p>23 record? Since I don't have it.</p> <p>24 MS. ANGELL: The question at Page 80, Line 19</p> <p>25 was: "Did Robin Colls ever share with you any kind of</p>	<p>1 you might have forgotten it?</p> <p>2 A. I doubt that.</p> <p>3 Q. So you're quite sure this conversation never</p> <p>4 took place?</p> <p>5 A. I don't recall it.</p> <p>6 Q. Okay. Could you please turn to the next -- you</p> <p>7 know, the next page, and then at the top of the next page</p> <p>8 is condensed Page 82. Oh, actually -- I'm sorry.</p> <p>9 You know, it won't make any sense unless we</p> <p>10 finish reading 81. Could you read Line 20 on 81.</p> <p>11 A. "It occurred in the 1999-2000 school year."</p> <p>12 Q. Then could you read the question --</p> <p>13 A. "But you found out about it in which year?"</p> <p>14 Q. And could you read the answer.</p> <p>15 A. "There was an incident this is referring, to my</p> <p>16 belief. They had a problem with a staff member the year</p> <p>17 before and -- that's what I understood this to mean</p> <p>18 anyway."</p> <p>19 MS. LARKINS: Okay. Okay. I'd like to go on</p> <p>20 break because I need to copy a document.</p> <p>21 THE WITNESS: She has to leave anyway, don't</p> <p>22 you?</p> <p>23 MS. GARVIN: I'm sorry?</p> <p>24 MS. LARKINS: Do you want to continue or do you</p> <p>25 want to end this session now? Because what I would do</p>

33 (Pages 126 to 129)

Larkins v. Werlin  
GIC 781970

Deposition of Robin Donlan  
November 4, 2004

Page 130	Page 132
<p>1 next is I would go on break and I would copy this 2 document. 3 MS. GARVIN: Let me see that. 4 Does this involve Michael Carlson? 5 MS. LARKINS: This involves Line 25 of Page 81 6 of the deposition that we are discussing. 7 MS. GARVIN: This is Exhibit 19 to -- 8 MS. LARKINS: Yes. 9 MS. GARVIN: -- the deposition. 10 MS. LARKINS: Actually what Elizabeth Schulman 11 did was she had exhibits for the deposition and then she 12 kept the same numbers when she prepared this exhibit book 13 for the administrative hearing. 14 MS. GARVIN: Go ahead and finish this up. 15 MS. LARKINS: Okay. I need to go on break to 16 make a copy. 17 VIDEOGRAPHER: Off the record at 5:08. 18 (Recess taken.) 19 VIDEOGRAPHER: Back on the record at 5:11. 20 MS. LARKINS: Did you want to say something? 21 MS. GARVIN: It's your deposition. 22 MS. LARKINS: I am willing to conclude this 23 session of this deposition now. I believe that 24 Ms. Garvin supports that idea. And Mr. Hersh will not 25 object. So I think it's up to you, Ms. Angell.</p>	<p>1 MS. GARVIN: 1:00 o'clock. 2 MS. LARKINS: Is it 1:00 o'clock? I probably 3 have that written down. 4 MS. GARVIN: Here. 5 MS. LARKINS: 1:00 o'clock, Carlson. 6 MS. GARVIN: Are we going off the record and 7 concluding the depo, going off the record now? 8 MS. LARKINS: Can we agree on the 15th? 9 MS. ANGELL: I need to go check my calendar at 10 the office, but I'd like to aim for that week. 11 MS. LARKINS: Okay. That's fine. 12 Then I guess we can conclude here for this 13 session. 14 Do we need to say all that stuff about what to 15 do with the transcript? 16 MS. ANGELL: Yes. 17 MS. LARKINS: Okay. Someone else want to do it? 18 Do you want me to try? 19 Oh, hey. Darn it. I don't have a deposition 20 with me. Usually I have someone else's deposition and I 21 can read it. 22 MS. GARVIN: You have that one, the Donndelinger 23 one. 24 MS. LARKINS: Let's see what it says. They were 25 a lot more casual on this one.</p>
Page 131	Page 133
<p>1 MS. ANGELL: I have no problem with it. I'm 2 thinking about possible dates. Maybe sometime during the 3 week of November 13th -- sorry -- November 15th, based on 4 Ms. Donlan -- I don't know if you have any testing of 5 children going on, but if maybe we could consider that 6 week. 7 MS. GARVIN: I know that on the 17th is the 8 deposition of the sheriff's department is already 9 scheduled. 10 MS. ANGELL: So maybe we should just go off and 11 then talk about possible scheduling dates. 12 VIDEOGRAPHER: Okay? 13 MS. LARKINS: Wait a minute. 14 MS. ANGELL: So yeah. 15 MR. HERSH: So the Carlson deposition is off on 16 the 15th? 17 MS. LARKINS: Yeah 18 MR. HERSH: We are off the record now? 19 VIDEOGRAPHER: No. We are still on. 20 MS. LARKINS: It's on the 17th? 21 MS. ANGELL: Not Carlson. I mean the sheriff. 22 MS. LARKINS: Okay. The sheriff is the 17th and 23 Carlson's is 23rd? 24 MS. GARVIN: Yes. 25 MR. HERSH: At what time?</p>	<p>1 MS. GARVIN: Are we going to have the witness 2 review it now or wait until it's complete to review all 3 of the transcript at the same time? 4 MS. LARKINS: Why don't we let her review this 5 part. 6 MS. GARVIN: And so we need to know how long it 7 would take Ms. Donlan to review her transcript. 8 MS. ANGELL: Well, it depends on when she gets 9 it, I would assume. So customary we are talking a month 10 to review. I don't know how long it's going -- I don't 11 know if you're going to expedite the transcript or what. 12 I don't know what your plan is. 13 MS. LARKINS: I don't think we need to expedite 14 it, but -- a whole month she needs to review it? 15 MS. ANGELL: That's the usual. People who are 16 working -- 17 MS. LARKINS: Okay. 18 MS. ANGELL: It's normal. 19 So since you're apparently not going to do a 20 stipulation, I'll propose the following stipulation: 21 That the court reporter be relieved from her duties under 22 the code as well as the videographer be relieved from his 23 duties under code, and that counsel have agreed on the 24 record to continue this deposition to its second volume 25 at a mutually agreed-upon date, hopefully during</p>

34 (Pages 130 to 133)



Larkins v. Werlin  
GIC 781970

Deposition of Robin Donlan  
November 4, 2004

Page 134

1 November, but counsel will confer on that matter.  
2 And we also stipulate that the original of this  
3 transcript, including a condensed and word index, will be  
4 forwarded to Ms. Donlan for her review and signature;  
5 that a postage-paid envelope will be -- excuse me. I'm  
6 going to take that back. You're going to send it me to  
7 be forwarded to Ms. Donlan, and I'll take care of the  
8 envelope.  
9 And that from the time -- I will forward it to  
10 Ms. Donlan for her review and signature and any  
11 corrections that are necessary. And from the time  
12 Ms. Donlan receives the transcript, she'll have 30 days  
13 to make her changes and sign it. If the changes are not  
14 made and the signature not done within that 30 days, it  
15 will be deemed signed as is.  
16 MS. LARKINS: Can I interrupt a moment?  
17 I'm trying to figure out why you wanted me to  
18 sign my deposition in one week and yet hers would be a  
19 month.  
20 MS. ANGELL: Because we're going to continue  
21 your deposition. Your deposition is not done, but that  
22 doesn't really have anything to do with hers. We were  
23 talking -- I can't remember if we were talking about -- I  
24 explained it on the record at the time. I know that  
25 there was a discussion of it and we explained on it the

Page 135

1 record at the time. So if you want to go back and look  
2 at your transcript -- if you want to propose the  
3 stipulation, I don't care. Go ahead. You just weren't  
4 doing it.  
5 MS. LARKINS: You're right. I'm a crummy  
6 lawyer. I have stipulated to that on other occasions.  
7 MS. ANGELL: So my proposed stipulation is then  
8 stricken. Go ahead.  
9 MS. LARKINS: Okay. I did not agree that it be  
10 stricken.  
11 I want to talk about how long it takes her to  
12 sign it, and I would like you to explain --  
13 MS. GARVIN: I'll agree to whatever stipulation  
14 you eventually are able to work out.  
15 MR. HERSH: I stipulate that Ms. Garvin pay my  
16 salary for the day.  
17 MS. LARKINS: Two points.  
18 (Ms. Garvin not present.)  
19 MS. LARKINS: I cannot for the life of me figure  
20 out why there is such a huge difference between my  
21 deposition and Ms. Donlan's deposition.  
22 MS. ANGELL: Well, for one thing, you're not  
23 employed, to my knowledge, and she has a full-time job.  
24 For the second thing, you're a party to this litigation;  
25 you're bringing the litigation, and we knew that your

Page 136

1 deposition was going to continue in multiple parts, and I  
2 asked you if that was enough time for you and you said  
3 that it was.  
4 MS. LARKINS: I agree. I think one month is too  
5 long for Ms. Donlan.  
6 MS. ANGELL: Well, you can think that.  
7 How long do you need? This is going to be this  
8 thick (indicating).  
9 THE WITNESS: Yeah. And I don't -- I want to be  
10 thorough before I sign it.  
11 MS. ANGELL: It also depends on when she gets  
12 it. Do you have any travel that is going to take you out  
13 of town? Normally it takes several weeks for these  
14 things to be produced.  
15 THE WITNESS: No. I don't have any plans  
16 currently.  
17 MS. ANGELL: All right. So you're not planning  
18 to leave town between now and December 31?  
19 THE WITNESS: No.  
20 MS. ANGELL: Okay. So how long do you think  
21 that you'll need to -- the transcript looks like a  
22 screenplay or like a movie script, you know, question,  
23 answer, just like this  
24 THE WITNESS: Comb-bound, correct?  
25 MS. ANGELL: Usually. So it's basically going

Page 137

1 to look like this, so --  
2 THE WITNESS: But thicker.  
3 MS. ANGELL: Each page is on its own.  
4 THE WITNESS: Well, I'll only be able to read at  
5 night, along with everything else I do in the evenings.  
6 MS. ANGELL: Like grade papers --  
7 THE WITNESS: Grade papers, make lesson plans,  
8 take care of my husband, you know.  
9 MS. LARKINS: It would be much easier if all you  
10 had to do was fight off four huge law firms.  
11 THE WITNESS: I mean I don't want to feel like  
12 I'm rushed in going through it.  
13 MS. ANGELL: How long do you think you need?  
14 It's probably going to be several hundred pages, double  
15 spaced.  
16 THE WITNESS: At least three to four weeks, I  
17 would think.  
18 MS. LARKINS: How about three weeks?  
19 MS. ANGELL: All right. So three weeks from the  
20 time that she receives it.  
21 Now, do you want to make the stipulation or do  
22 you want me to put it on? I don't approve when you  
23 strike things; you don't approve when I strike my own  
24 comments.  
25 MS. LARKINS: Okay. So it really is stricken?

35 (Pages 134 to 137)

Larkins v. Werlin  
GIC 781970

Deposition of Robin Donlan  
November 4, 2004

Page 138	Page 140
<p>1 MS. ANGELL: When you strike you own questions, 2 I don't go back and -- you know, I have control over what 3 I say and you have control over what you say. 4 MS. LARKINS: Okay. I'm sorry. I didn't -- 5 MS. ANGELL: Do you want me to put it on or do 6 you prefer to do it yourself? I'm trying to help you out 7 here because you don't seem to know what you're doing. 8 MS. LARKINS: That's right. I don't know what 9 I'm doing, but I will tell what you I'll do. I'll try. 10 Okay. 11 Now, we still have, I believe -- I don't think 12 it was stricken when Ms. Garvin asked whether or not we 13 would have this session, this volume, signed, so that's 14 still in. 15 Ms. Donlan is going to read and sign this volume 16 of it without regard to whenever we continue the 17 deposition. And the deposition is going to be delivered 18 to Kelly Angell when the court reporter has it ready. 19 MS. ANGELL: The original of the deposition. 20 MS. LARKINS: Thank you. 21 MS. ANGELL: With the documents that I 22 previously listed. 23 MS. LARKINS: Yes. I'm quite sure our court 24 reporter was planning on doing that. 25 Then you will provide it to Ms. Donlan, and from</p>	<p>1 MS. ANGELL: A facsimile copy of signature will 2 be deemed sufficient evidence of Ms. Donlan's signature 3 on the deposition for all purposes. Ms. Donlan's counsel 4 will retain the original copy and produce it upon timely 5 request. However, if the original is not available, a 6 certified copy will be -- we agree that the certified 7 copy is to be used for all purposes. 8 Anything else? 9 MR. HERSH: Not that I can think of. 10 VIDEOGRAPHER: Is that it? This concludes 11 Volume I -- 12 MS. ANGELL: Wait a minute. Everybody didn't 13 stipulate. 14 MS. LARKINS: I stipulate. 15 MR. HERSH: I stipulate. 16 VIDEOGRAPHER: This concludes -- 17 MS. ANGELL: What is happening with the 18 exhibits? 19 THE REPORTER: I have 1 through 5. They will be 20 attached to the copies. 21 MS. ANGELL: So are those exhibits coming back 22 to the next volume of the deposition? 23 MS. LARKINS: Yes. 24 MS. ANGELL: So the court reporter needs -- 25 you're going to have the same court reporter and she's</p>
Page 139	Page 141
<p>1 the time that you provide it, Ms. Donlan will have three 2 weeks to sign it. And if she doesn't sign it, a 3 certified copy will be acceptable as -- the same as an 4 original. And, in fact, a certified copy will be 5 acceptable in lieu of an original whether she signs it or 6 not. But if she doesn't sign it within three weeks, then 7 it will be considered signed and accepted in the state 8 that it was in when prepared by the court reporter. 9 Let's see. Is there anything else? I don't 10 think they did all this stuff here. Oh, yeah, they did. 11 MS. ANGELL: Could I ask the court reporter -- 12 well, I might as well ask you while we are all here. I 13 don't know if it's possible to go back and mark before 14 you print everything out the standing objections. If 15 that is possible to mark it in the transcript, if you 16 would, that would be great. 17 THE REPORTER: I will mark it -- I'll put 18 "record marked at the request of Ms. Angell," and I will 19 mark where you have stated your standing objections. 20 MS. ANGELL: Yeah. There was a stipulation as 21 to all -- as to relevance objections being made for 22 everything. That is particularly what I'm interested in. 23 MS. LARKINS: Okay. I can't think of anything 24 else to stipulate. If you want anything else 25 stipulated --</p>	<p>1 going to bring those same exhibits back to the next depo 2 or what? 3 THE REPORTER: I can leave a set here in the 4 office, and they will be here. That's not a problem. I 5 can make a set here or I can start an exhibit binder so 6 that we can mark them continuously, but I'll keep a 7 working copy here in the office so that they will be here 8 and they will also be attached to Volume I. 9 MS. LARKINS: Okay. Sounds good. 10 VIDEOGRAPHER: Ready to go off? 11 MS. LARKINS: Yes. 12 VIDEOGRAPHER: This concludes Volume 1 of the 13 deposition of Robin Donlan. Off the record at 5:24. 14 * * * * * 15 I, ROBIN DONLAN, swear under penalty of perjury 16 that I have read the foregoing, and that it is true and 17 correct, to the best of my knowledge and belief. 18 Signed on this      day of      , 2004, at 19 20 (City)      (State) 21 22 23 ROBIN DONLAN 24 25</p>

36 (Pages 138 to 141)

Larkins v. Werlin  
GIC 781970

Deposition of Robin Donlan  
November 4, 2004

Page 142

1  
2 STATE OF CALIFORNIA )  
3 ) ss.  
4 COUNTY OF SAN DIEGO )

5 I, T. A. Martin, a Certified Shorthand Reporter,  
6 Certificate No. 3613, do hereby certify that the witness  
7 in the foregoing deposition was by me first duly sworn to  
8 testify to the truth, the whole truth, and nothing but  
9 the truth in the foregoing cause; that the deposition was  
10 then taken before me at the time and place herein named;  
11 that said deposition was reported by me in shorthand, and  
12 then transcribed through computer-aided transcription  
13 under my direction, and that the foregoing transcript  
14 contains a true record of the testimony of said witness.

15 I do further certify that I am a disinterested  
16 person and am in no way interested in the outcome of this  
17 action, or connected with or related to any of the  
18 parties in this action or to their respective counsel.

19 IN WITNESS WHEREOF, I have hereunto set my hand  
20 on this 16th day of November, 2004.

21  
22  
23 T. A. MARTIN  
24 Certificate No. 3613  
25

37 (Page 142)





Page 1

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO

MAURA LARKINS,

Plaintiff,

VS.

GIC 823858

ELIZABETH SCHULMAN, and DOES 1

through 10, inclusive,

Defendants.

## DEPOSITION OF MAURA LARKINS

Volume I . . . -

(Pages 1 through 23, inclusive.)

October 28, 2004

Taken at San Diego, California

BONNIE G. BREEN,

CSR NO. 5582

COMPLIMENTARY

Page 2	Page 4
<p>1 INDEX</p> <p>2 DEPOSITION OF MAURA LARKINS PAGE</p> <p>3 October 28, 2004</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 By Ms. Larkins 4</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 1 - Labor Code, Section 11001-1102.5 5</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 THE VIDEOTAPE TECHNICIAN: This is the video</p> <p>2 deposition of Maura Larkins, Volume I, being taken on</p> <p>3 behalf of the plaintiff in the matter of Maura Larkins,</p> <p>4 plaintiff, versus Elizabeth Schulman, defendant, in the</p> <p>5 San Diego County Superior Court, Case Number GIC 823858.</p> <p>6 This deposition is being held in the offices of San Diego</p> <p>7 Court Reporting Service located at 319 Elm Street, Suite</p> <p>8 100, San Diego, California 92101.</p> <p>9 Today is Thursday, October 28th, 2004; and the</p> <p>10 time is approximately 1:25 p.m. My is Frank Pisacane.</p> <p>11 I'm the legal video specialist with Video Graphics at</p> <p>12 1903 30th Street, San Diego, California. The certified</p> <p>13 shorthand reporter is Bonnie Breen of San Diego Court</p> <p>14 Reporting Service.</p> <p>15 For the record, would counsel please state</p> <p>16 their appearances.</p> <p>17 MR. SMITH: Matthew Smith of Klinedinst, P.C.,</p> <p>18 on behalf of Elizabeth Schulman.</p> <p>19 MS. LARKINS: Maura Larkins, Plaintiff, in pro</p> <p>20 per.</p> <p>21 THE VIDEOTAPE TECHNICIAN: Will the court</p> <p>22 reporter please swear the witness.</p> <p>23 (Deponent sworn.)</p> <p>24 THE WITNESS: I do.</p> <p>25 THE VIDEOTAPE TECHNICIAN: Please begin.</p>
Page 3	Page 5
<p>1 DEPOSITION OF MAURA LARKINS</p> <p>2 Pursuant to Notice to take deposition on the</p> <p>3 28th day of October, 2004, commencing at the hour of 1:25</p> <p>4 p.m., at 319 Elm, Suite 100, in the City of San Diego,</p> <p>5 County of San Diego, State of California, before me,</p> <p>6 Bonnie G. Breen, Certified Shorthand Reporter in and for</p> <p>7 the State of California, personally appeared:</p> <p>8 MAURA LARKINS,</p> <p>9 who, called as a witness by the Plaintiff, being by me</p> <p>10 first duly sworn, was thereafter examined as a witness in</p> <p>11 said cause.</p> <p>12 APPEARANCES</p> <p>13 For the Plaintiff: MAURA LARKINS</p> <p>14 (In Propria Persona) 1935 Autocross Court</p> <p>15 El Cajon, California 92019</p> <p>16 (619) 444-0065</p> <p>17 For the Defendants: KLINEDINST, P.C.</p> <p>18 BY: MATTHEW C. SMITH</p> <p>19 501 West Broadway, Suite 600</p> <p>20 San Diego, California</p> <p>21 92101-3584</p> <p>22 (619) 239-8131</p> <p>23 Videographics: Frank Pisacane, Videographer</p> <p>24 1903 30th Street</p> <p>25 San Diego, California 92102</p>	<p>1 MS. LARKINS: Okay. I would like to start by</p> <p>2 asking that an exhibit be numbered as Exhibit Number 1.</p> <p>3 And let's see. I have a copy for the -- may I use</p> <p>4 these -- for the court reporter and for Mr. Smith --</p> <p>5 MR. SMITH: Thank you.</p> <p>6 (EXH. 1 was marked for identification.)</p> <p>7 MS. LARKINS: -- and myself.</p> <p>8 EXAMINATION BY MS. LARKINS:</p> <p>9 Q. Question: Can you please state for the record</p> <p>10 what is contained in the exhibit numbered number one.</p> <p>11 A. Answer: This is part of the labor code, the</p> <p>12 California Labor Code, Sections 1101, 1102, and 1102.5;</p> <p>13 though, I'm actually not certain that is all of 1102.5.</p> <p>14 There may be another page. It may continue on another</p> <p>15 page.</p> <p>16 MR. SMITH: Ms. Larkins, can I interrupt for a</p> <p>17 moment.</p> <p>18 MS. LARKINS: Yes.</p> <p>19 MR. SMITH: A thought just occurred to me.</p> <p>20 There may be a number of times throughout this deposition</p> <p>21 when I would want to raise an objection as to the form of</p> <p>22 the question or for some other reason. What I would</p> <p>23 propose as a possible compromise to avoid me interrupting</p> <p>24 the flow of your questions, if you are willing to</p> <p>25 stipulate that all objections are reserved until the</p>

Page 6

1 point of trial, so if we have to have an objection with  
2 respect to any specific question, I can raise that before  
3 Judge Stin or whoever our trial judge is at the time of  
4 trial rather than now. That will limit the number of  
5 objections that I have to make today.

6 Is that acceptable?

7 MS. LARKINS: That is acceptable to me.

8 MR. SMITH: I still may object from time to  
9 time if there is a question that I think is really  
10 problematic; but, otherwise, I will keep my objections to  
11 a minimum in that regard.

12 MS. LARKINS: That sounds great. So  
13 stipulated. I'm not sure there is a question pending; so  
14 let me ask a question.

15 BY MS. LARKINS:

16 Q. Question: Do you contend that Labor Code  
17 Section 1102.5 is pertinent to this lawsuit?

18 A. Answer: Yes. This a labor code, which forbids  
19 employers from retaliating against employees when they  
20 report wrongdoing to a public agency.

21 In this case, I was an employee of Chula Vista  
22 Elementary School District. I filed grievances. I filed  
23 tort claims. I filed PERB charges, PERB being Public  
24 Employment Relations Board, and I finally filed a  
25 lawsuit.

Page 8

1 A. Answer: Yes.

2 Q. Question: What were the mistakes that you felt  
3 that Mrs. Schulman had made?

4 A. Answer: She had completely confused some of  
5 the witnesses, someone who was a librarian at the school.  
6 She had written them down as -- I think it was as the  
7 person who lived across the street from me. They were  
8 just completely wrong, a couple of the witnesses.

9 Q. Question: How did Mrs. Schulman respond when  
10 you pointed this out to her?

11 A. Answer: She became extremely angry. I had  
12 crossed out one paragraph that was incorrect. And she  
13 said: Please do not mark on my papers. And I said:  
14 Well, these are wrong. And I finally got her to listen  
15 to me. And she made a couple marks on the papers.

16 Q. Question: Did the district's witness,  
17 Assistant Superintendent Richard Werlin, speak to  
18 Mrs. Schulman before the hearing started?

19 A. Answer: Yes. He came over to the defense desk  
20 and completely ignoring me began to speak in a very  
21 friendly manner to Mrs. Schulman. He was chatting about  
22 foods that they apparently each knew about. I didn't  
23 know about them, though; so I didn't join into the  
24 conversation.

25 Q. Question: Did you ever have any concerns that

Page 7

1 The lawsuit was served on the school district  
2 on approximately March 12th, 2002. And within less than  
3 two months, the school district voted to terminate my  
4 employment. This was obviously retaliation and should  
5 have been brought up during my administrative hearing.

6 Q. Question: Did your lawyer, Elizabeth Schulman,  
7 bring up this statute at any time during your  
8 administrative hearing?

9 A. Answer: No.

10 MS. LARKINS: I need to ask for some copies to  
11 be made. I would like to take a break for a couple  
12 minutes. Would you be agreeable to that?

13 THE VIDEOTAPE TECHNICIAN: Stand by. Off the  
14 record at 1:21 p.m.

15 (Discussion off the record/Recess.)

16 THE VIDEOTAPE TECHNICIAN: Back on the record  
17 at 1:39 p.m.

18 BY MS. LARKINS:

19 Q. Question: Did you speak to your lawyer,  
20 Elizabeth Schulman, on the morning before your  
21 administrative hearing started?

22 A. Answer: Yes.

23 Q. Question: Did you indicate to Mrs. Schulman  
24 that she had made some mistakes in the little notes she  
25 had printed up about witnesses?

Page 9

1 the relationship between Richard Werlin and your lawyer,  
2 Elizabeth Schulman, was improper?

3 A. Answer: Yes, I did.

4 Q. Question: Could you please tell one or more  
5 incidents that caused you to become worried about this  
6 relationship?

7 A. Answer: Well, one of the things that made me  
8 worry was that the crime that had been committed by  
9 Mr. Werlin, which preceded this entire 3-1/2 year series  
10 of events, was that he had illegally obtained my arrest  
11 records from the time that my brother and  
12 ex-sister-in-law had had me arrested for trespassing in  
13 my father's apartment after my father's death when I was  
14 co-administrator of my father's estate.

15 I had told Mrs. Schulman that this was  
16 obviously the reason that I was taken out of my classroom  
17 on February 12th, 2001, supposedly because two teachers  
18 were afraid that I would kill them.

19 And Mrs. Schulman told me at one time that this  
20 shouldn't be a law, the law that makes this a crime, to  
21 illegally obtain -- to obtain arrest records of an arrest  
22 that did not lead to a conviction.

23 As my lawyer, I needed her to enforce the law  
24 on my behalf, and she didn't do it. And it appeared to  
25 me that part of her reason for not doing it was that she

3 (Pages 6 to 9)

Page 10

Page 12

1 didn't want to accuse Rick Werlin of committing any  
2 crimes or apparently any wrongdoing of any sort.

3 Q. Question: Did you tell Mrs. Schulman that you  
4 wanted her to discuss the police report at your  
5 administrative hearing?

6 A. Answer: Yes, I did. In fact, the last time we  
7 met before my administrative hearing began, I asked  
8 Mrs. Schulman what was going to be her -- her plan for my  
9 defense, what did she have in mind for arguing in my  
10 defense.

11 Oh, I forgot to say "answer." Oh, I didn't.

12 Okay.

13 And she said: Well, this is the plan. We are  
14 going to put you on the stand, and then we are going to  
15 put your witnesses on the stand, and then we are going to  
16 say that the district didn't prove its case.

17 And I said: Do you think that that is going to  
18 succeed?

19 And she said: Well, no. I -- I haven't had  
20 very good luck with these sorts of cases, and they are  
21 really difficult, and I certainly can't guarantee that  
22 this is going to succeed.

23 Q. Did you say anything further to Mrs. Schulman  
24 at that time?

25 Question: Did you say anything further to

1 into evidence?

2 A. Answer: She said she knew what she was doing.  
3 She said that many times. Sometimes she would say the  
4 point has already been made.

5 She told me a story about a contractor that  
6 came to her neighbor's house, and her neighbor had wanted  
7 to have a lot of input into the contractor's decision-  
8 making. And she told how angry the contractor was about  
9 that and that her neighbor should have just let the  
10 contractor do his job.

11 And she said I should do the same thing. I  
12 should just let her do her job, because she knew what she  
13 was doing.

14 Q. Question: Was there any behavior by the judge  
15 in the administrative hearing that caused you concern?

16 A. Answer --

17 MR. SMITH: Are you referring to the judge  
18 separate and apart from the other panelists?

19 MS. LARKINS: Yes. Yes.

20 THE WITNESS: Answer: The judge seemed to be  
21 very hostile to me from the beginning, but there were  
22 particular times when his hostility became remarkable.

23 BY MS. LARKINS:

24 Q. Question: Please describe one of those times.

25 A. Answer: There was one time when I was talking

Page 11

Page 13

1 Mrs. Schulman at that time?

2 A. Answer: Yes. I said that the reason I had  
3 paid her all the money I had paid her, more than half a  
4 year's salary for me, was that I wanted the truth to come  
5 out. I told her I really had nothing to lose in this  
6 administrative hearing, because my career had already  
7 been destroyed long before the district had voted to  
8 dismiss me. In fact, more than a year before the  
9 district voted to dismiss me, my career had been  
10 destroyed. So the administrative hearing couldn't really  
11 do me any further harm.

12 I said the one thing that I wanted from her was  
13 to have the truth brought out. And I said: If you  
14 can't -- if you aren't confident that this case, the way  
15 you have it planned is going to succeed, that your plan  
16 is going to succeed, then I want you to just tell the  
17 whole story and not worry about what the outcome of the  
18 case is.

19 Q. Question: Did Mrs. Schulman make an effort to  
20 tell your story in the administrative hearing?

21 A. Answer: No, she did not. I prepared multiple  
22 copies, five each, of many exhibits and told her I wanted  
23 these put into evidence, and she refused.

24 Q. Question: What were the reasons that

25 Elizabeth Schulman gave for refusing to put your exhibits

1 about Linda Watson, who is one of the people who accused  
2 me of exhibiting behavior that indicated that I wanted to  
3 kill her. I was telling about how the night before I was  
4 taken out of my classroom for a second time. I was taken  
5 out of my classroom for a second time on April 20th,  
6 2001.

7 And the night before, Linda Watson had spoken  
8 to someone at the school and Kathy Bingham. Kathy  
9 Bingham told Linda Watson that I had told Kathy Bingham  
10 that she looked good, and I had told her that I thought  
11 she was going to be fine.

12 Now, I said this in reference to Kathy  
13 Bingham's statements when I had been out on leave after I  
14 had been taken out of my classroom the first time that I  
15 might have brought poisoned food to the lounge.

16 And when I was out on leave, Kathy Bingham had  
17 noticed -- I think she had noticed that I had been  
18 scheduled that week to bring food for the lounge or for  
19 some other reason; I don't know exactly why. But Kathy  
20 Bingham suggested that people not eat the food in the  
21 lounge because Maura Larkins might have brought it, and  
22 it might be poisoned.

23 And it just so happened that that very day when  
24 I was talking to Kathy Bingham, April 19th, 2001, I had  
25 brought food to the lounge that day for a little party we



Page 14

1 were having. And Kathy Bingham had eaten at the lounge  
2 that day. And I just wanted to tell her that she -- this  
3 was later that I talked her, a couple hours later after  
4 school. I said she looked good, and I thought she was  
5 going to be okay.

6 Well, she went to Linda Watson and said:  
7 Something really strange happened today. Maura Larkins  
8 told me that I was going to be okay.

9 So Linda Watson took this information home and  
10 worried about it. She was trying to figure out what  
11 could that mean, when Maura Larkins said that Kathy  
12 Bingham would be okay.

13 So Linda Watson discussed this with her son  
14 while eating pizza that night. And, apparently, her son  
15 had recently had some training about violence in schools,  
16 and he quickly came up with an explanation for my  
17 statements. He said: Mom, what she means is that Kathy  
18 Bingham is going to be okay, and the rest of you are  
19 going to be dead. And Linda Watson at that time,  
20 according to her own deposition, began to be terribly  
21 afraid that I was going to kill her.

22 Well, I told this story in my administrative  
23 hearing. And the judge immediately jumped up and stood  
24 there for a moment. And then he turned around and walked  
25 to a little room in the back of the hearing room, and

Page 16

1 obvious that this testimony was very important in  
2 determining Linda Watson's state of mind.  
3 And since her allegations were the reasons that  
4 I was taken out of my classroom two times, I think the  
5 administrative hearing panel should seriously have  
6 considered the evidence: That Linda Watson had distorted  
7 thinking, was paranoid and that the district was trying  
8 to protect her for having made -- even though she had  
9 made false allegations, in order to cover up the crime  
10 that had been committed by Rick Werlin when he obtained  
11 illegally my arrest records, and the crime that had been  
12 committed by the district when I was taken out of my  
13 classroom on the basis of those records, which is a  
14 separate violation of Labor Code Section 432.7; and the  
15 crimes of teachers, who had obtained my arrest records;  
16 and the crimes of the union, the California Teachers  
17 Association Representatives, who had conspired with the  
18 district to violate labor -- the labor code, thereby  
19 committing crimes.

20 MS. LARKINS: I am tired. I would like to take  
21 a break.

22 THE VIDEOTAPE TECHNICIAN: Stand by one second.  
23 Going off the record at 2:00 p.m.

24 (Recess.)

25 THE VIDEOTAPE TECHNICIAN: We are back on the

Page 15

1 then he stood there for a few moments. And then he  
2 called the other two panelists to come over to the little  
3 room with him.

4 We were still on the record. The lawyers and  
5 the parties were all sitting. I was sitting in the  
6 witness stand. And I overheard the first part of what  
7 the administrative law judge, whose name is James Ahler,  
8 said to the women. He told them that they should not  
9 consider what I had just said, because it didn't go to  
10 show my state of mind in 2001, because I hadn't learned  
11 that this was Linda Watson's feeling until her deposition  
12 in 2002.

13 And then he noticed that I was sitting right  
14 there, and I could hear everything he was saying. And he  
15 closed the door. And he stayed in there for about 10  
16 minutes talking to them. I could hear the voices, but I  
17 couldn't hear what they were saying.

18 And then he came back out, and everybody sat  
19 down and continued.

20 That was a long answer. Let's see.

21 Q. Question: Why did this make you concerned  
22 about Judge Ahler's attitude or behavior?

23 A. Answer: Well, I thought that the judge was  
24 playing with ideas and just distorting the law to come up  
25 with an excuse to ignore my testimony, because it is

Page 17

1 record at 2:11 p.m.

2 BY MS. LARKINS:

3 Q. Question: Did you tell Elizabeth Schulman what  
4 questions you wanted her to ask during the depositions of  
5 Chula Vista Elementary School District employees in your  
6 administrative case?

7 A. Answer: Yes.

8 Q. Question: Did you ask Mrs. Schulman to  
9 question the deponents about whether or not they had seen  
10 or learned about a police report of your arrest?

11 A. Answer: Yes.

12 Q. Question: Did she ask them?

13 A. Answer: Yes. That was one thing that she did  
14 that I asked. And I thank her for it and give her credit  
15 for asking that question.

16 Q. Question: Were there other questions that you  
17 asked her to ask the deponents that she failed to ask?

18 A. Answer: Yes. There are many, many, many  
19 questions that she failed to ask.

20 Q. Question: Could you give a specific example?

21 A. Answer: The deposition of Richard Werlin was  
22 the deposition, which I found to be most disappointing.

23 I prepared many pages of questions for --

24 MR. SMITH: Is this still answering the  
25 original question or do you have a new question?

5 (Pages 14 to 17)

Page 18

1 MS. LARKINS: I will ask a new question.  
2 BY MS. LARKINS:  
3 Q. Did you prepare questions for Elizabeth  
4 Schulman to ask Richard Werlin?  
5 A. Answer: Yes.  
6 Q. Did Elizabeth Schulman look at the questions  
7 that you prepared?  
8 A. Answer: Yes.  
9 Q. Question: Did she ask the questions that you  
10 had prepared?  
11 A. Answer: No, at least not -- not most of them.  
12 Q. Question: Did she have your questions before  
13 her during the deposition of Rick Werlin?  
14 A. Answer: No.  
15 Q. Question: Did you express concern when you saw  
16 that she didn't have your list of questions before her  
17 during the deposition of Rick Werlin?  
18 A. Answer: Yes. I -- I pointed out. I held my  
19 lists of questions up to her, and I said: When are you  
20 going to ask these questions?  
21 And she said: Oh, well, right now, we are just  
22 going to let him tell his story. And then, later on,  
23 we'll pin him down.  
24 Q. Question: Did she let him tell his story?  
25 A. Answer: Yes, she did.

Page 19

1 Q. Question: Did she then later pin him down?  
2 A. Answer: No, she didn't.  
3 Q. Question: Was Richard Werlin's deposition  
4 ended suddenly in a way that surprised you?  
5 A. Answer: Yes, it was. It was a total shock to  
6 me when the deposition was suddenly over. And I said to  
7 her: I thought we were going to pin him down.  
8 And she just shrugged and ignored me and walked  
9 out.  
10 Q. Question: Why do you think Elizabeth Schulman  
11 refused to ask your questions?  
12 A. Answer: It appeared to me that she wanted to  
13 protect him in particular and the district in general.  
14 Q. Question: On the morning of Rick Werlin's  
15 deposition, did you bring evidence, documents to  
16 Mrs. Schulman to use?  
17 A. Answer: Yes. I brought a pile of documents  
18 about -- about a foot in height. There were notebooks in  
19 which I had placed letters in plastic sheets. There were  
20 quite a bit of plastic sheets that I had taken out of  
21 other notebooks. There was just a huge pile.  
22 Q. Question: Was Elizabeth Schulman interested in  
23 these documents that you brought that day?  
24 A. Answer: No. She told me to leave them all in  
25 her office while we went down to the conference room for

Page 20

1 the deposition and then to take them home with me after  
2 the deposition.  
3 Q. Question: Was there any other time when you  
4 tried to give documents about your case to Elizabeth  
5 Schulman when she refused to accept them?  
6 A. Answer: Yes. I had previously brought her  
7 copies of my PERB charges, my PERB exhibits, my documents  
8 that I had sent to the district, documents the district  
9 had sent to me, documents I had sent to CTA, and  
10 documents they had sent to me. And she was willing to  
11 accept only a tiny fraction of them. I would say maybe  
12 about one-fifth of all the documents I had offered to her  
13 before that day had she accepted. And then, on that day,  
14 she accepted zero. Okay.  
15 Q. Question: Do you have any reason to believe  
16 that Elizabeth Schulman was more interested in another  
17 case and therefore just put your case on the back burner?  
18 A. Answer: I -- I do have evidence that  
19 Mrs. Schulman was more interested in another case.  
20 Q. Question: What case is that?  
21 A. Answer: It was a case against her husband; and  
22 that case was filed right about the time that  
23 Mrs. Schulman agreed to represent me. And she devoted a  
24 great deal of time to that case. The record is at the  
25 courthouse of all the filings she made during the time

Page 21

1 when she refused to meet with me, refused to look at my  
2 information.  
3 And that's it. I would like to take a break,  
4 because it seems that you are feeling very tired, and I'm  
5 feeling tired, too.  
6 THE VIDEOTAPE TECHNICIAN: We are off the  
7 record at 2:22 p.m.  
8 (Recess.)  
9 THE VIDEOTAPE TECHNICIAN: Back on the record  
10 at 2:49 p.m.  
11 MS. LARKINS: Mr. Smith and I have agreed to go  
12 off the record for the day and to continue this  
13 deposition Monday morning, November 1st. At what time  
14 would you like?  
15 MR. SMITH: Your preference. Nine? Ten?  
16 MS. LARKINS: Ten.  
17 MR. SMITH: 10:00.  
18 MS. LARKINS: At 10:00.  
19 MR. SMITH: Same place?  
20 MS. LARKINS: Same place.  
21 MR. SMITH: With respect to a stipulation,  
22 we'll withhold any stipulation until the end of this,  
23 until this deposition is finally completed. So we will  
24 ask the court reporter -- we'll just go by code until  
25 then; but, hopefully, we'll have a stipulation that will

Page 22

1 resolve all that.

2 THE VIDEOTAPE TECHNICIAN: This will conclude  
3 Volume I in the deposition of Maura Larkins. We have  
4 produced a total of one original video tape, and we are  
5 off the record at 2:50 p.m., approximately.

6 (The deposition was concluded at 2:50 p.m.)

7 I, the undersigned, say that I have read the  
8 foregoing deposition and hereby declare under penalty of  
9 perjury the foregoing is true and correct.

10 Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2004,

11 at \_\_\_\_\_.

12 (City) (State)

13

14

15 DECLARANT

16

17

18

19

20

21

22

23

24

25

Page 23

1 STATE OF CALIFORNIA )

) ss

2 COUNTY OF SAN DIEGO )

3

4 I, Bonnie Breen, CSR No. 5582, a Certified Shorthand  
5 Reporter in and for the County of San Diego, State of  
6 California, do hereby certify:

7 That prior to being examined, the witness named in  
8 the forgoing deposition was by me duly sworn to testify  
9 to the truth, the whole truth, and nothing but the truth.

10 That said deposition was taken before me at the time  
11 and place set forth and was taken down by me in shorthand  
12 and thereafter reduced to computerized transcription  
13 under my direction and supervision; and I hereby certify  
14 the foregoing deposition is a full, true and correct  
15 transcript of my shorthand notes so taken.

16 I further certify that I am neither counsel for nor  
17 related to any party to said action nor in anywise  
18 interested in the outcome thereof.

19 IN WITNESS WHEREOF, I have hereunto subscribed my  
20 name this \_\_\_\_\_ day of \_\_\_\_\_, 2004 at San Diego,  
21 California.

22

23

24 Bonnie G. Breen

25

7 (Pages 22 to 23)

Page 24

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO

MAURA LARKINS,

Plaintiff,

VS.

ELIZABETH SCHULMAN, and DOES 1  
through 10, inclusive,

Defendants.

DEPOSITION OF MAURA LARKINS  
Volume II  
(Pages 24 through 69, inclusive.)  
November 1, 2004  
Taken at San Diego, California

BONNIE G. BREEN,  
CSR NO. 5582

COMPLIMENTARY

Page 25	
1	I N D E X
2	DEPOSITION OF MAURA LARKINS
3	November 1, 2004
4	
5	EXAMINATION
6	By Ms. Larkins 4
7	
8	EXHIBITS
9	2 - Letter dated 4-7-03 addressed to CTA 28
10	Advisory Panel from Elizabeth Schulman
11	3 - Fax dated 5-1-03 to Elizabeth Schulman 28
12	from Maura Larkins, one page
13	4 - Fax dated 5-1-03 to Elizabeth Schulman 30
14	from Maura Larkins, two pages
15	5 - Memo dated 4-29-03 to Betty Schulman 30
16	from Maura Larkins
17	6 - Memo dated 3-27-03 to Elizabeth Schulman 31
18	from Maura Larkins
19	7 - Memo dated 3-26-03 to Elizabeth Schulman 31
20	from Maura Larkins
21	8 - Memo dated 3-15-03 to Elizabeth Schulman 31
22	from Maura Larkins
23	9 - Handwritten notes dated Tues, Feb 6 40
24	by JoEllen Hamilton
25	10 - Pages 1, 2, 49, 50, 51, 52 from 42
	Transcript of Hearing dated 1-6-03
	11 - Pages 2 through 9 and 42 through 49 46
	of the Condens. Deposition Transcript
	of JoEllen Hamilton, 9-10-02

Page 26

1 DEPOSITION OF MAURA LARKINS

2 Pursuant to Notice to take deposition on the

3 1st day of November, 2004, commencing at the hour of

4 10:25 a.m., at 319 Elm, Suite 100, in the City of San

5 Diego, County of San Diego, State of California, before

6 me, Bonnie G. Breen, Certified Shorthand Reporter in and

7 for the State of California, personally appeared:

8 MAURA LARKINS,

9 who, called as a witness by the Plaintiff, being by me

10 first duly sworn, was thereafter examined as a witness in

11 said cause.

12 APPEARANCES -

13 For the Plaintiff: MAURA LARKINS

14 (In Propria Persona) 1935 Autocross Court

15 El Cajon, California 92019

16 (619) 444-0065

17 For the Defendants: KLINEDINST, P.C.

18 BY: MATTHEW C. SMITH

19 501 West Broadway, Suite 600

20 San Diego, California

21 92101-3584

22 (619) 239-8131

23 Videographics: John Sisson, Videographer

24 1903 30th Street

25 San Diego, California 92102

Page 27

1 THE VIDEOTAPE TECHNICIAN: This is Volume II in

2 the videotaped deposition of Maura Larkins being taken on

3 behalf of the plaintiff in the matter of Maura Larkins

4 versus Elizabeth Schulman and DOES 1 through 50,

5 inclusive, in Superior Court, State of California, County

6 of San Diego, Case Number GIC 823858. This deposition is

7 being held at the offices of San Diego Court Reporters at

8 319 Elm Street in San Diego, California. Today is

9 Monday, November 1, 2004, and it is now 10:25 a.m. My

10 name is John Sisson, and I am the legal video specialist

11 with Videographics at 1903 30th Street in San Diego,

12 California. Our certified shorthand reporter is Bonnie

13 Breen of San Diego Court Reporters.

14 For the video record, will counsel now please

15 state their appearances.

16 MR. SMITH: Matthew Smith of Klinedinst P.C. on

17 behalf of defendant, Elizabeth Schulman.

18 MS. LARKINS: Maura Larkins, plaintiff in pro

19 per.

20 THE VIDEOTAPE TECHNICIAN: Thank very much.

21 Will our reporter now re-swear the witness, please.

22 (Deponent sworn.)

23 THE WITNESS: Yes.

24 MS. LARKINS: Good morning.

25 MR. SMITH: Good morning.

Page 28

1 MS. LARKINS: I said I was going to try to make

2 some copies of some documents, and I have done a few;

3 although, I've been very busy working on oppositions to

4 motions and things like that. I believe I already -- we

5 have one exhibit already. So this will be Exhibit 2. I

6 would like to ask that this be numbered as Exhibit 2.

7 (EXH. 2 was marked for identification.)

8 FURTHER EXAMINATION BY MS. LARKINS:

9 Q. Question: Have you ever seen this document

10 before?

11 A. Answer: Yes. This is a document prepared by

12 Elizabeth Schulman at my request to send to CTA,

13 California Teachers Association, because I was asking

14 them to help me pay my legal fees.

15 Okay. That's 2. I will come back to that

16 later.

17 (EXH. 3 was marked for identification.)

18 MS. LARKINS: I would like to have this next

19 document entered as Exhibit 3.

20 BY MS. LARKINS:

21 Q. Question --

22 MR. SMITH: Before your question, this

23 document, Exhibit 3, the top says: Page 1 of 2. Are you

24 intentionally excluding the second page or did you want

25 to include that, as well?



Page 29

1 MS. LARKINS: I'm not intentionally excluding  
2 the second page. And that's one of the reasons why it is  
3 good to do a deposition before trial, because then you  
4 figure out what documents you haven't got. Let me ask  
5 myself some questions about this document, and see if I  
6 can figure out what page 2 was.

7 MR. SMITH: That one that you have your hands  
8 on I believe is page 2; although, I could be wrong. Is  
9 there a fax stamp on that?

10 MS. LARKINS: No, there is not. Let's see. I  
11 wonder why I even would have a fax stamp on this. You  
12 would think that the original that I had sent to her  
13 would not have a fax stamp on it. Wouldn't you?

14 MR. SMITH: You would, yes.

15 MS. LARKINS: Shall we put -- shall we put  
16 these two together as a possibility, and we are going to  
17 explore in the future the accuracy of.

18 MR. SMITH: It might be better to keep them  
19 separate for now.

20 MS. LARKINS: Keep them separate. Okay. Let's  
21 do that. Let me talk about this Exhibit 3.

22 BY MS. LARKINS:

23 Q. Okay. Ms. Larkins, have you ever seen the  
24 document labeled Exhibit 3 before?

25 A. Answer: Yes. This is a document, which I

Page 31

1 before? It is labeled Exhibit 5.

2 A. Answer: Yes. This is a letter I wrote to  
3 Elizabeth Schulman on or about April 29th, 2003.

4 Q. We can come back to that.

5 I would like to ask this next document be  
6 labeled Exhibit 6.

7 (EXH. 6 was marked for identification.)

8 BY MS. LARKINS:

9 Q. Question: Have you seen this document before?

10 A. Answer: Yes. This is a document I faxed to  
11 Elizabeth Schulman on or about March 27, 2003.

12 Q. And I would like to come back to that later.

13 I would like to ask that the next document be  
14 labeled Exhibit 7.

15 Question: Have you ever seen this document  
16 before?

17 A. Answer: Yes. This is a fax. This is a  
18 letter, which I faxed to Elizabeth Schulman on  
19 approximately March 26, 2003.

20 (EXHS. 7 and 8 were marked for identification.)

21 MS. LARKINS: I would like to ask that the next  
22 document be labeled Exhibit 8.

23 BY MS. LARKINS:

24 Q. Question: Have you ever seen this document  
25 before?

Page 30

1 prepared and sent to Elizabeth Schulman. I wrote it -- I  
2 must have written it at approximately May 1st, 2003.

3 Q. And I would like to come back to this document  
4 later. Okay.

5 Now, I would like to -- here we go. We have  
6 got it all solved now. Okay. As Exhibit 4, I would like  
7 to offer a two-page document. The first page is the same  
8 as Exhibit 3, and it is the original -- a copy of the  
9 original document before it was ever faxed. Okay.  
10 Original, Exhibit 4 has two pages, and they are the  
11 original two pages of the document, which is Exhibit 3  
12 and which shows a fax stamp.

13 (EXH. 4 was marked for identification.)

14 BY MS. LARKINS:

15 Q. Question: Mrs. Larkins, have you ever seen  
16 this document before?

17 A. I already asked myself that, didn't I.

18 Yes. This --

19 Q. I'm going to come back to this. Okay. I'm  
20 just trying to get this document straightened out.

21 As Exhibit 5, I would like to enter a one-page  
22 document.

23 (EXH. 5 was marked for identification.)

24 BY MS. LARKINS:

25 Q. Question: Have you ever seen this document

Page 32

1 A. Answer: Yes. This is a letter that I wrote to  
2 Elizabeth Schulman on or about March 15th, 2003.

3 Q. I think I'm going to go ahead and start talking  
4 about these in a little more detail or asking the witness  
5 about these in a little more detail.

6 Question: Regarding Exhibit 8, why did you  
7 write this letter?

8 A. Answer: I wrote this letter to ask my  
9 attorney, Elizabeth Schulman, to please allow me access  
10 to the exhibits in my administrative hearing, which had  
11 already taken place.

12 Also, at this date, I asked, and in this  
13 letter, I asked Elizabeth Schulman to please give me the  
14 pages, which her assistant Bruce had typed up, regarding  
15 phone calls made by Elizabeth Schulman to Maria Beers and  
16 Lorena Vieyra, who were two witnesses on my behalf.

17 Q. Question: Did you have difficulty getting  
18 these documents from Elizabeth Schulman?

19 A. Answer: Yes. I had tremendous difficulty  
20 getting any documents of any kind from Elizabeth  
21 Schulman. For some reason, she did not want me to see  
22 the documents in the case.

23 Q. Question: Did she give you a reason for this?

24 A. Answer: No, she didn't; but I suspected it was  
25 because she didn't want me to ask questions about them.

3 (Pages 29 to 32)

Page 33

1 She didn't want to discuss them with me. She didn't have  
2 time for me. She just wanted me not to talk to her at  
3 all.  
4 Q. Question: Did she respond to most of your  
5 faxes?  
6 A. Answer: No, she rarely responded to any of my  
7 faxes.  
8 Q. Question: Regarding Exhibit Number 7, can you  
9 state what is contained in the letter?  
10 A. This -- I wrote this letter asking  
11 Mrs. Schulman for some help with an appeal of the  
12 decision in my administrative hearing.  
13 Q. I'm going to come back to this.  
14 MR. SMITH: Before your next question,  
15 Ms. Larkins, can I just confirm on the record that I am  
16 reserving all my objections with respect to this  
17 questioning throughout the entire course of this  
18 deposition over however many days it takes until trial;  
19 is that correct?  
20 MS. LARKINS: Uh-huh.  
21 MR. SMITH: All objections are waived?  
22 MS. LARKINS: Uh-huh.  
23 MR. SMITH: Is that a "yes"?  
24 MS. LARKINS: Yes. We did the same thing in  
25 one of my other depositions. In fact, we did it a little

Page 34

1 differently. I like -- I like your idea, because then  
2 you can come up with any objection. That's better.  
3 But what they did was they made objections, and  
4 then we stipulated that those objections would apply to  
5 all questions. But this is actually more clever. If I'm  
6 ever a lawyer, I think I will do it this way.  
7 BY MS. LARKINS:  
8 Q. The Exhibit numbered six, question: Why did  
9 you write the letter labeled Exhibit 6?  
10 A. This was a question about the relationship  
11 between my civil suit, which I filed before the district  
12 voted to dismiss me, and my administrative hearing. At  
13 the time that I wrote this, my administrative hearing had  
14 already taken place, and I had been dismissed.  
15 This is a very interesting letter in that one  
16 of the -- one of the things that I didn't write about in  
17 my complaint against Elizabeth Schulman was the fact that  
18 if I had won my administrative hearing, her failure to  
19 bring up the issues that were in my civil suit would have  
20 prevented me from suing the district on the basis of  
21 those issues in civil court.  
22 After my administrative hearing, as I was  
23 researching the law for my appeal, I discovered that  
24 Mrs. Schulman had done the exact opposite of what she  
25 should have done to protect my Superior Court lawsuit.

Page 35

1 She worked very hard to keep issues out of the  
2 administrative hearing when she should have worked to  
3 bring them into the administrative hearing.  
4 Q. Question: Did Elizabeth Schulman tell you that  
5 she wanted to keep these issues out of your  
6 administrative hearing in order to protect your civil  
7 suit?  
8 A. Answer: Yes. Several times, she told me that  
9 she wanted to keep the issue of the police report out and  
10 as many issues as possible out in order to protect my  
11 civil suit.  
12 Q. Okay. We can come to that later.  
13 Question: What was your purpose in writing the  
14 letter that is labeled as Exhibit 5?  
15 A. Answer: I was asking for a document from  
16 Elizabeth Schulman. The document was the motion in  
17 limine that she had told me that she had filed in  
18 December 2002, and I was asking her to send me a copy.  
19 I was also asking about Terry Ryan, who was  
20 someone at the county office of education, whom she had  
21 contacted regarding a panelist to be chosen by me. And I  
22 was asking her to clarify whether he was indeed the  
23 person at county schools, who had said he did not have a  
24 list of teachers.  
25 Q. Question: Did Terry Ryan's failure to provide

Page 36

1 a list of teachers that could be appointed to the panel  
2 have any effect on your administrative hearing?  
3 A. Answer: Yes, it did. This was the -- there  
4 was no panelist that was available for me. And so my  
5 original hearing date of September 23rd, 2002 was  
6 cancelled on that basis.  
7 Q. Question: Did you ask for any other document  
8 in this Exhibit 5 letter?  
9 A. Answer: Yes. I asked for a letter from Terry  
10 Ryan stating that he did not have a list of teachers.  
11 Q. Question: Did Mrs. Schulman ever provide you  
12 with such a letter?  
13 A. Answer: No, she didn't.  
14 Q. Question: For what purpose did you write the  
15 letter labeled Exhibit 4?  
16 A. Answer: Well, this is an ironic letter,  
17 because, at this time, May 1st, 2003, I was under the  
18 impression -- because Elizabeth Schulman had told me that  
19 the code gave me 90 days to write my appeal, I was under  
20 the impression that I still had time to file my appeal.  
21 And I was pleased that the law gave me as a  
22 teacher a particularly high -- a particularly good  
23 opportunity for success in Superior Court, because the  
24 law entitled me to a review, using an independent  
25 judgment standard of judicial review; whereas, most

Page 37

1 petitions for Writ of Mandate allow only a substantial  
2 evidence standard to be used in Superior Court.

3 And I was still very happy, and she still  
4 hadn't told me that her advice to me was wrong and that  
5 my time for filing an appeal had already passed.

6 I note here that I also asked for the motion in  
7 limine. This is the same request I had made two days  
8 earlier. And I had not received any response from her  
9 about the motion in limine request that I had made on  
10 April 29th.

11 Q. Question: Is there anything else that you  
12 discussed in this letter labeled Exhibit 4?

13 A. Answer: Yes. I was starting to become quite  
14 perplexed by this time about Elizabeth Schulman's refusal  
15 to help me in any way, even to give me documents, which I  
16 had paid for. And I asked her if she was embarrassed  
17 about this case. I thought that she was embarrassed  
18 because she had lost the case.

19 Of course, now, in hindsight, it seems to me  
20 that she had wanted me to lose the case, and she simply  
21 didn't want the case to be brought to the attention of  
22 the Superior Court or the public and be exposed as -- as  
23 what it was, was a really bad job done by Elizabeth  
24 Schulman, and pretty embarrassing for Rick Werlin, the  
25 district, CTA, and the Office of Administrative Hearings.

Page 38

1 I actually had thought that the reason she had  
2 acted as she did was more out of incompetence than  
3 intentional -- than intentionally -- well, I would say  
4 fraud. She represented herself to me as someone who  
5 would represent my interests, and she didn't do that.

6 Now I believe that it was intentional. At this  
7 time, I thought she was just -- just a bad lawyer. And I  
8 was trying to encourage her, telling her that she didn't  
9 need to be afraid to give me these documents; that it  
10 wouldn't hurt her to give them to me but that it would  
11 hurt me if she refused to give them to me.

12 And there was a second page here where I put in  
13 large print: I understand that you don't want to give me  
14 legal advice, but please send me a copy of that motion in  
15 limine and the other things I asked for. Thanks.

16 Q. Question: Why did you write the document  
17 labeled as Exhibit 3?

18 A. Answer: This is the same as Exhibit 4. And  
19 what I did with this was I faxed it from my condo number.  
20 This number at the top, 660-6695, is the fax number at  
21 the condo where I had my office. And I apparently faxed  
22 it to my home fax, and that's why we have this heading on  
23 it.

24 MS. LARKINS: I would sort of like to take a  
25 break.

Page 39

1 MR. SMITH: Okay.

2 THE VIDEOTAPE TECHNICIAN: All right. At  
3 10:52, we are off the record.

4 (Recess.)

5 THE VIDEOTAPE TECHNICIAN: At 11:21, we are  
6 back on the record.

7 MS. LARKINS: Okay. So you don't have your  
8 exhibits.

9 MR. SMITH: I don't.

10 MS. LARKINS: Okay. Is it all right with you  
11 if I get you copies after?

12 MR. SMITH: That's fine.

13 MS. LARKINS: Okay. Thanks. I would like to  
14 have labeled as Exhibit 7. And I should make a list of  
15 this.

16 MR. SMITH: I think we are on 9.

17 MS. LARKINS: Okay. Thank you. Labeled as  
18 Exhibit 9. And I really do need to start making a list.  
19 This will be my list. Okay. Exhibit 9, it's --  
20 question -- this document, I will copy this, have it  
21 copied and give it to you later.

22 MR. SMITH: Is there a bates number on that  
23 document?

24 MS. LARKINS: No, but it does say Exhibit 13.

25 MR. SMITH: It was Exhibit 13 in the

Page 40

1 administrative hearing?

2 MS. LARKINS: Yes, it was. What do you call  
3 the opposite of respondent? Plaintiff?

4 MR. SMITH: Petitioner.

5 MS. LARKINS: Right. It was the Petitioner's  
6 Exhibit 13.

7 (EXH. 9 was marked for identification.)

8 BY MS. LARKINS:

9 Q. Okay. Question: Have you ever seen this  
10 document before?

11 A. Answer: I saw this document for the first time  
12 shortly before my administrative hearing.

13 Q. Question: What -- can you tell us who wrote  
14 the document?

15 A. Answer: Yes. JoEllen Hamilton, a teacher at  
16 my school, wrote this document on February 6, 2001. This  
17 is the reason I was taken out of my classroom.

18 In a minute, I can read the transcript of  
19 the -- of Richard Werlin's testimony of my administrative  
20 hearing. And he makes it very clear that this one  
21 incident was the reason that I was removed from my  
22 classroom. And I would like to --

23 Q. Question: Please read what the document  
24 states.

25 A. Answer: It states: "Tuesday, February 6,

5 (Pages 37 to 40)

Page 41

1 11:25 a.m.  
2 "Maura and I were both in the lounge doorway.  
3 And I said, 'Gretchen told me that you submitted a  
4 written complaint about me.' Maura said, 'Gretchen lied.  
5 Would you like to see the letter that I have wrote?'  
6 "'I have already seen it.'  
7 "'You saw the letter that I gave to Gretchen?'  
8 she asked.  
9 "'Yes, I saw the letter.'  
10 "Then she said, 'You are part of the problem.  
11 'You have done many inappropriate things.' When I started  
12 to respond, she turned and walked away."  
13 And to the side, it says: I said, "What is the  
14 problem?" and "That is your perspective."  
15 Q. Question: How could any administrator in his  
16 right mind remove a teacher from her classroom and ask  
17 her to provide a fitness for duty letter from a mental  
18 health care practitioner because of this incident?  
19 A. Answer: Well, this incident happened on a  
20 Tuesday. And on the Saturday following this incident,  
21 JoEllen Hamilton called up Rick Werlin in the evening at  
22 his home and made some statements.  
23 At the same time, within a few minutes, Linda  
24 Watson called up Rick Werlin and said she feared for her  
25 life.

Page 42

1 And so Rick Werlin claims that, because those  
2 two teachers obviously got together and planned to call  
3 him at the same time one Saturday night at his home, he  
4 had to take me out of my classroom.  
5 Q. Question: Isn't it a little odd that if this  
6 incident made someone fear for her life that she would  
7 wait, let's see, Wednesday, Thursday, Friday, Saturday,  
8 four days before she would report it?  
9 A. Answer: Yes, it is. It is very odd.  
10 Q. Question: How could anybody possibly think  
11 that this describes an incident where someone's life was  
12 threatened?  
13 A. Answer: No one did. No one did. It was -- it  
14 was a lie. It was a lie done for petty, political  
15 reasons at an elementary school.  
16 Q. Question: What testimony did Richard Werlin  
17 give when stating that JoEllen Hamilton feared for her  
18 life as a result of this incident?  
19 A. Answer: Not in this folder.  
20 Q. I would like to have this next document marked  
21 as Exhibit 10. Let's have this stick out there so we'll  
22 find it easily to copy later. Here is Exhibit 10.  
23 (EXH. 10 was marked for identification.)  
24 BY MS. LARKINS:  
25 Q. Question: Did you --

Page 43

1 MR. SMITH: Before you do, looks like Exhibit  
2 10 for the record is five pages long, the first two pages  
3 of which are pages 1 and 2 of the reporter's transcript  
4 from the January 6, 2003 hearing; and the remaining are  
5 pages 49, 50, 51, and 52. So it is six pages in total,  
6 all from the same reporter's transcript. Is that what it  
7 is, Ms. Larkins?  
8 MS. LARKINS: Yes, thank you. I will try to  
9 remember how you did that and do it myself. Okay.  
10 Q. Question: Is this document as Mr. Smith  
11 described?  
12 A. Answer: Yes, it is.  
13 Q. Question: Does this document contain testimony  
14 by Richard Werlin?  
15 A. Answer: Yes.  
16 Q. Question: What does Mr. Werlin say in this  
17 document?  
18 A. Answer --  
19 Q. Question: Does Elizabeth Schulman ask  
20 Mr. Werlin a question in this document?  
21 A. Answer: Yes.  
22 MR. SMITH: I'm sorry. What was the question?  
23 MS. LARKINS: Does Mrs. Schulman ask Mr. Werlin  
24 a question in this document? Oh, no. No. No. No.  
25 Thank you.

Page 44

1 BY MS. LARKINS:  
2 Q. Question. Does Mr. Bresee, B-r-e-s-e-e, ask  
3 Mr. Werlin a question in this document?  
4 A. Answer: Yes.  
5 Q. What is the question that Mr. Bresee asked?  
6 A. Answer: Mr. Bresee asked Mr. Werlin: Do you  
7 recall when the next time you heard about the issues at  
8 Castle Park was?  
9 MR. SMITH: Are you referring to page 49, lines  
10 19 through 20?  
11 MS. LARKINS: Yes. Thank you.  
12 BY MS. LARKINS:  
13 Q. Question: What did Mr. Werlin answer?  
14 A. Answer: Mr. Werlin said: I don't have the  
15 exact date, but it was sometime shortly after this that  
16 there was -- I received a phone call from the teacher.  
17 Q. Would you continue to read the transcript,  
18 please.  
19 A. Answer: Mr. Bresee asked: Who was the  
20 teacher? Mr. Werlin answered: JoEllen Hamilton.  
21 On page 50 of Exhibit 10, the questioning  
22 continues. Mr. Bresee asks: And where and when was this  
23 phone call received?  
24 Mr. Werlin said: I received the phone call at  
25 my home on a Saturday evening at approximately 8:15 in



Page 45

1 the evening.

2 And Mr. Bresee asked: And what was  
3 communicated to you in this phone call?

4 Mr. Werlin answered: Well, Mrs. Hamilton first  
5 apologized for reaching me on a Saturday night and  
6 alleging that she was interrupting me, and I said no, it  
7 was not an interruption, and she had had a great deal of  
8 concern and trepidation in her voice. She had a concern  
9 about a fellow teacher, and she went into discussing a  
10 conversation that she had had with Maura Larkins where  
11 she was alleging that Maura invaded her space, got very  
12 close to her, and it was very frightening the way Maura  
13 looked at her and the tone of voice. She shared with me  
14 that she was very concerned about her life because she  
15 was the mother of two small children, and it was very  
16 concerning to her and wanted to make sure that I knew  
17 about this.

18 "Question: Did she say when this conversation  
19 had taken place?

20 "Answer: It had happened that week, but I  
21 don't recall when it had happened that week.

22 "Question: Did she say why she waited until  
23 Saturday night to call you?

24 "Answer: I don't recall the reason.

25 "Question: Did you question why she had waited

Page 47

1 dismissal hearing?

2 MS. LARKINS: Oops. Thank you. This is not  
3 from the dismissal hearing. No. Wait a minute. Wait.  
4 Wait. Wait. What am I doing with this in my hand?  
5 Yeah, these two belong -- these two belong over here.  
6 Let me see what I gave you. I might have given you the  
7 wrong document. Good. That is right. And you have  
8 this, right?

9 MR. SMITH: If this is excerpts from the  
10 deposition of JoEllen Hamilton, the condensed transcript,  
11 it looks like pages 2 through 9 and pages 46 through 49.

12 MS. LARKINS: Yes.

13 MR. SMITH: Total of four pages in the exhibit?

14 MS. LARKINS: Yes. Thank you. Okay.

15 BY MS. LARKINS:

16 Q. Question: Is this the deposition of JoEllen  
17 Hamilton?

18 A. Answer: Yes.

19 Q. Question: On page 46 of the condensed version  
20 of JoEllen Hamilton's deposition -- you know, I have  
21 to -- I really need page 45, and it is not here. Oops.  
22 Is it all right with you if I add a page to this same  
23 exhibit or do you want to make it a separate exhibit?

24 MR. SMITH: No, you can go ahead. What are you  
25 adding?

Page 46

1 until Saturday night to call you?

2 "Answer: I did not at the time quite frankly  
3 because she was so upset and unnerved by this alleged  
4 confrontation with Maura Larkins that it was more  
5 important to play the role of an active listener than to  
6 doing a lot of inquiry at that time.

7 "Question: In your experience as a human  
8 resources administrator for school districts, have you  
9 had employees call you at home on weekends previously to  
10 express concerns?

11 "Answer: It is very rare. Perhaps in almost  
12 30 years, for a teacher to call, it is a rarity,  
13 particularly on a Saturday evening. In the evening, it's  
14 highly unusual.

15 (EXH. 11 was marked for identification.)

16 MS. LARKINS: I would like to ask this next  
17 document be labeled Exhibit 10.

18 MR. SMITH: 11.

19 MS. LARKINS: 11, thank you.

20 BY MS. LARKINS:

21 Q. Can you please characterize this document?

22 A. Answer: This is a few pages from the  
23 administrative hearing transcript of my dismissal hearing  
24 for January 6th, 2003.

25 MR. SMITH: Did you say this is from the

Page 48

1 MS. LARKINS: This page.

2 MR. SMITH: It's from the same deposition  
3 transcript?

4 MS. LARKINS: Yes.

5 MR. SMITH: Condensed page number 12, which  
6 covers deposition pages 42 through 45. And that is going  
7 to be added to Exhibit 11, which will then be five pages  
8 long in total.

9 MS. LARKINS: Yes.

10 MR. SMITH: Is this my copy?

11 MS. LARKINS: Why don't you keep that for now.

12 Can I get you another copy later?

13 MR. SMITH: Why don't we go off the record and  
14 make some copies.

15 THE VIDEOTAPE TECHNICIAN: At 11:41, we are off  
16 the record.

17 (Recess.)

18 THE VIDEOTAPE TECHNICIAN: At 11:48, we are  
19 back on the record.

20 MS. LARKINS: We have added a page to Exhibit  
21 11. We now all have five pages. The page that has been  
22 added is page 12 of the deposition, which covers --  
23 pardon me -- page 12 of the condensed version of the  
24 deposition, which covers pages 42 to 45 of the  
25 deposition.

7 (Pages 45 to 48)



Page 49

1 BY MS. LARKINS:

2 Q. Question: Please look at page 45, line 14.

3 And please read from the deposition, from that point on,  
4 until I tell you to stop.

5 A. "Question: Did you ever contact Rick Werlin at  
6 home about any conduct of Ms. Larkins?

7 "Answer: Yes, I did."

8 Okay. I want to end that answer now.

9 Q. This is me speaking as sort of my own counsel  
10 right now. This question was asked by Elizabeth  
11 Schulman, and the answer was given by JoEllen Hamilton.

12 Now I want to go back into question, ask myself  
13 to read again.

14 Question: Please continue reading starting at  
15 line 17.

16 A. Answer: "Question: How did that come about?

17 "Answer: Mrs. Larkins had written this letter  
18 which I thought -- I was very shocked and surprised at  
19 it. We tried to have several meetings and she cancelled.  
20 We had our interaction in the doorway, in which she was  
21 visibly and verbally upset, pointing at me, very angry  
22 and I had spoken with Mr. Werlin at some time. I don't  
23 remember when, around this time about this situation, and  
24 he had told me that he had a meeting with her planned.  
25 And if I had any concerns or questions, to call him. And

Page 51

1 a Saturday evening, as opposed to waiting until regular  
2 school hours?

3 "Answer: He was supposed to have a meeting  
4 with her on Friday afternoon.

5 "Question: That was your understanding?

6 "Answer: That was my understanding."

7 End of answer.

8 Q. Question: Mrs. Larkins, did Mr. Werlin ever  
9 contact you about a meeting on that Friday afternoon,  
10 which would have been February 9th, 2001?

11 A. Answer: Mr. Werlin left a message on my phone  
12 answering machine; but when I called back, he was  
13 unavailable.

14 Q. Question: So Mr. Werlin tried to contact you  
15 before that Saturday night?

16 A. Answer: Yes.

17 Q. So something was already in the planning stages  
18 about some sort of action or meeting involving you before  
19 the two teachers called on Saturday night?

20 A. Answer: Yes. Obviously, the Saturday night  
21 phone calls were carefully planned. The incident, which  
22 had happened the previous Tuesday, was a completely  
23 harmless incident, as recorded by JoEllen Hamilton on  
24 that day.

25 And the incident that Mr. Werlin reported, the

Page 50

1 it happened to be a Saturday evening, and I called him to  
2 see if the meeting had gone through. And I don't  
3 remember what else."

4 Okay. That is the end of that answer.

5 Q. Mrs. Larkins, do you find this passage at all  
6 shocking?

7 A. Answer: Yes, I do. I think it is really  
8 shocking that it turns out that Mr. Werlin had invited  
9 JoEllen Hamilton to call him at home. And it underlines  
10 how dishonest he was, pretending when he testified for  
11 the commission on professional competence that he was  
12 shocked to have a teacher call him at home and that it  
13 was such an unusual and unexpected thing.

14 I'm also surprised by this passage in that it  
15 says that JoEllen Hamilton called up to ask if Mr. Werlin  
16 had met with me, not to say that she feared for her life.

17 Q. Question: Would you please read from the  
18 deposition, page 46, line 17.

19 A. Answer: "Question: And when he said, 'You  
20 call me at any time,' did you take that to mean that it  
21 was okay to call him on a Saturday evening and not on  
22 school time?

23 "Answer: Yes, I did.

24 "Question: Was there something that had  
25 happened over that weekend that caused you to call him on

Page 52

1 incident that caused JoEllen Hamilton to fear for her  
2 life and talk about her two small children, must have  
3 been manufactured in the intervening four days.

4 Q. Question: Maura Larkins, is this description  
5 of this event given by JoEllen Hamilton in Exhibit 9  
6 accurate?

7 A. Answer: She leaves out how threatening she was  
8 to me. The fact was, I was coming out of the copy room  
9 door to the outside, and she was blocking my way. And I  
10 had to pause for a moment, and then she stepped aside and  
11 confronted me.

12 And I didn't -- I was very shocked when she  
13 said that I had written a report about her, because I had  
14 written a short letter to the principal saying that I had  
15 been harassed for some time, but I did not mention a  
16 single name. And so I thought it was very odd that  
17 JoEllen Hamilton would feel that this was a written  
18 report about her, unless perhaps she had some guilty  
19 feelings, because she was indeed one of the people, who  
20 had been harassing me.

21 Q. Is there anything else about this report that  
22 is inaccurate?

23 A. Well, it is incomplete. The fact is, when I  
24 turned and walked away, she yelled at me, "I did not do  
25 anything inappropriate to you." And she kept yelling it

Page 53

1 over and over again as I walked away. She was yelling  
2 very loud. And all the kids were right there. It was  
3 recess time. And I was quite far away before she stopped  
4 yelling at me.

5 Q. I would like to skip down. Question: Please  
6 skip down to deposition page 47, line 23.

7 MR. SMITH: Are you referring to an exhibit  
8 right now?

9 MS. LARKINS: Oh, yes. Thank you.

10 BY MS. LARKINS:

11 Q. In Exhibit 11, please read Exhibit 11, page 47,  
12 line 23 and continuing.

13 A. Answer: "Question: Did you ever tell him,  
14 Rick Werlin, in that telephone conversation or at any  
15 other time that there was something that Mrs. Larkins had  
16 done, which made you fear for your life?"

17 "Answer: No.

18 "Question: Did you have any kind of  
19 communication either directly or with Rick Werlin or with  
20 anybody else, wherein you made a statement to the fact  
21 that you were fearful of your life because of  
22 Mrs. Larkin's conduct?"

23 Actually, it says "contact."

24 "Answer: No.

25 "Question: Did Mrs. Larkins ever threaten your

Page 55

1 THE VIDEOTAPE TECHNICIAN: All right. At  
2 12:00, we are off the record.

3 (Recess.)

4 THE VIDEOTAPE TECHNICIAN: At 12:18, we are  
5 back on the record.

6 MR. SMITH: During our break, Mrs. Larkins  
7 informed me that she is unwilling to continue with the  
8 deposition today. Is that correct?

9 MS. LARKINS: Yes. I need to go home and make  
10 copies of documents for you, the documents that you have  
11 requested the court to order me to produce, and I need  
12 about eight hours. I need about eight hours of time.

13 MR. SMITH: Did you get any of that?

14 THE VIDEOTAPE TECHNICIAN: Oh, yes, all of it.

15 MR. SMITH: Just to be perfectly precise, the  
16 court has already ordered you to produce supplemental  
17 responses to my written discovery and produce documents.  
18 That was to have been completed by October 12th. It has  
19 not yet been completed, and I'm still waiting for the  
20 supplemental responses and the documents.

21 I also understand that you have my motion for  
22 terminating sanctions currently pending, as well as a  
23 motion for terminating sanctions in your other case  
24 currently pending. And those, your oppositions to those  
25 motions are creating a time pressure for you, as well,

Page 54

1 life?

2 "Answer: No."

3 End of answer.

4 Q. Question: Did JoEllen Hamilton contradict Rick  
5 Werlin's testimony at your administrative hearing?

6 A. Answer: Yes.

7 Q. Question: Did your lawyer, Elizabeth Schulman,  
8 use JoEllen Hamilton as a witness in your administrative  
9 hearing?

10 A. Answer: No.

11 Q. Question: Your lawyer did not inform the  
12 panelists in the administrative hearing that Rick  
13 Werlin's testimony had been contradicted under oath by  
14 the person he was talking about?

15 A. Answer: No.

16 Q. Question: Did Mrs. Schulman ever give you any  
17 explanation for not calling JoEllen Hamilton as a  
18 witness?

19 A. Answer: No. I begged her to bring out the  
20 full story about my case. I begged her to call  
21 witnesses. She refused to call JoEllen Hamilton. She  
22 refused to call Cynthia Miller. She refused to call Gina  
23 Boyd. She refused to call David Dow.

24 MS. LARKINS: I need to take a break.

25 MR. SMITH: Okay.

Page 56

1 which makes you unwilling to continue with your  
2 deposition today.

3 Am I accurately reflecting your position on  
4 this matter?

5 MS. LARKINS: Exactly. Obviously, I'm taking  
6 my own deposition. And I certainly like all the  
7 questions I'm asking, and it is not that I don't want to  
8 ask myself questions. It is just that I really want to  
9 get home and copy these documents for you.

10 MR. SMITH: As we discussed off the record, the  
11 lack of discovery responses, the lack of complete  
12 production of documents is making it difficult, if not  
13 impossible, for me to fully prepare my case prior to our  
14 pending discovery cutoff and trial readiness conference  
15 with a December 3 trial date. Continued delays are  
16 creating further pressures with respect to the  
17 formulation of the defense case.

18 So with all that said, and as we discussed, I  
19 can't force you to remain here today; but I caution you  
20 that I am going to seek -- reserve my right to seek any  
21 and all remedies that may be appropriate to me, including  
22 further sanctions, a revised trial schedule to permit  
23 further discovery on my part as necessary to follow up to  
24 whatever discovery you -- discovery responses you provide  
25 and potentially dispositive motions, as well.

9 (Pages 53 to 56)

Page 57

1 All that being said, I understand that you are  
2 willing to come back tomorrow for further questioning in  
3 your deposition; is that correct?

4 MS. LARKINS: Yes. And I'm willing to end my  
5 questioning of myself.

6 MR. SMITH: Okay.

7 MS. LARKINS: And allow you to do your  
8 questioning.

9 MR. SMITH: Okay. So we will pick up tomorrow  
10 morning at 10:00, and I will begin questioning of you.  
11 Understand that I may not complete my questioning  
12 tomorrow, and also understand that, given the lack of  
13 discovery responses, lack of complete discovery  
14 responses, I may need to come back and ask further  
15 deposition questions at an even later point in time once  
16 I have received your supplemental discovery responses if  
17 there are any questions that raised by those discovery  
18 responses. Is that acceptable?

19 MS. LARKINS: Yes, that is acceptable. I would  
20 like to note that you have not turned over a single  
21 document to me and although you have said that you  
22 believe that you are fully within your rights within the  
23 law in not having turned over a single document.

24 I want to point out another problem. You are  
25 going to be having the same problem I have been having.

Page 58

1 I'm going to have to ask for these documents that I need  
2 from you to be produced at trial, since it is too late  
3 now for me to ask for them to be produced before trial.  
4 I will ask Elizabeth Schulman as a witness to produce  
5 documents.

6 I think it's funny, talking about how I have  
7 failed to produce discovery when I think I have produced  
8 something like well over 2000 documents in this case, and  
9 you haven't produced one. But, obviously, you and the  
10 three law firms -- your very large law firm and the three  
11 large law firms that are opposing me in the companion  
12 case are all trying overwhelm me, a third grade teacher,  
13 with motions and discovery demands so that I will give up  
14 this case, but I won't.

15 And I don't believe that any terminating  
16 sanctions are going to be offered, because I have been so  
17 extremely cooperative regarding discovery in this case.

18 And I don't -- tomorrow, I'm not going to be  
19 saying, like Elizabeth Schulman did, that I always try to  
20 forget everything, and I won't be evading questioning  
21 like she did. And the court will be able to look at  
22 these deposition transcripts when it makes its decisions  
23 about whether or not these issues should be brought to  
24 trial.

25 Also, I'm sort of concerned about the threats

Page 59

1 against me, all these motions and things that you say you  
2 want to bring against me. And I'm thinking: What if the  
3 bar association knew about how Elizabeth Schulman had  
4 acted? I think she could be disbarred for her outrageous  
5 behavior. She's shown greed, callousness. She's -- she  
6 said she didn't think that the law broken by the school  
7 district against me should be a law and refused to bring  
8 it up; although, she did put into evidence some documents  
9 provided to her by Maria Beers, which raised the question  
10 of police and arrest and things like that.

11 So, yes, I'm willing to come tomorrow. And I'm  
12 willing to turn over this deposition to you, because I  
13 imagine I can -- any further testimony I want to give, I  
14 can just give it in a written declaration or on the  
15 witness stand during the trial. And I will be happy to  
16 answer your questions tomorrow for a reasonable length of  
17 time. And, then, if you can't finish your questioning  
18 tomorrow within a reasonable length of time, I will be  
19 happy to come back another day and let you ask as many  
20 questions as you want.

21 MR. SMITH: Just so we are clear on what our  
22 respective positions are, we have -- you talk about being  
23 attacked by motions. We have repeatedly and specifically  
24 tried to avoid motions. We have repeatedly and  
25 specifically contacted you requesting further discovery

Page 60

1 responses. We have repeatedly offered stipulations and  
2 compromises that would have avoided first the motion to  
3 compel. We were exceedingly patient with respect to your  
4 failure to comply with the court's order compelling  
5 further discovery responses and have been forced based on  
6 the time pressures of a December 3 trial date to file  
7 both a motion to compel and then, subsequently, the  
8 motion for terminating sanctions based on failure to  
9 comply with the court order.

10 I understand that, Mrs. Larkins, you are a pro  
11 per plaintiff, as you say over and over again, and that  
12 you are only a third grade teacher, as you like to state;  
13 but that doesn't relieve you of obligations to prosecute  
14 your case in a timely manner. And the leisurely pace in  
15 which you are conducting this case is making it difficult  
16 for us to prepare our defense in a timely manner.

17 So while you say that you are willing to be  
18 deposed tomorrow for a reasonable time, it is my position  
19 that we will be entitled to take the deposition as long  
20 as it takes up until, absent some stipulation on the  
21 record tomorrow with respect to the end time. And if you  
22 can tell me right now if it is your intention to stop  
23 your deposition short of a complete day, I need to know  
24 that now.

25 MS. LARKINS: A complete day, would you

10 (Pages 57 to 60)

Page 61

1 consider that to be 5:00, or what do you mean by a  
2 complete day?  
3 MR. SMITH: 5:00 would be a complete day.  
4 MS. LARKINS: Okay. And you want to start at  
5 ten?  
6 MR. SMITH: Yes.  
7 MS. LARKINS: I can't give you seven hours of  
8 my time tomorrow. I have to -- I have to respond to your  
9 motion for terminating sanctions.  
10 MR. SMITH: The motion for terminating  
11 sanctions has been on calendar for over a week. Well, at  
12 least a week. There is no reason why a response couldn't  
13 have been prepared prior to today.  
14 MS. LARKINS: Are you sure of that?  
15 MR. SMITH: Well, the motion for terminating  
16 sanctions went on calendar, what, last Tuesday.  
17 MS. LARKINS: And you are sure that there is no  
18 reason why it couldn't have been prepared before now?  
19 How do you know that?  
20 MR. SMITH: Well, I don't know that. What I do  
21 know is that, when the court sets deadlines, those  
22 deadlines should be taken seriously. And the time issues  
23 in this case are largely a function of your own making.  
24 I have been asking for dates for your  
25 deposition as early as early September. We didn't

Page 63

1 I am a really crummy lawyer.  
2 MR. SMITH: Regardless of whether you are a  
3 crummy lawyer or not, there are deadlines.  
4 MS. LARKINS: I am the worst lawyer.  
5 MR. SMITH: There are deadlines that need to be  
6 complied with.  
7 MS. LARKINS: Well, maybe the case will just be  
8 thrown out.  
9 MR. SMITH: If you want to stipulate that the  
10 case will be thrown out, that can resolve all our  
11 scheduling issues right now.  
12 MS. LARKINS: No. Someone has to throw it out  
13 for me. I will fight that.  
14 But, look, your client didn't have the least  
15 respect for the basic obligations of a lawyer under the  
16 law. I have trouble with deadlines. Your client doesn't  
17 even understand her basic obligations to her client.  
18 MR. SMITH: I understand that that is the  
19 position you are going to be taking. It is really  
20 neither here nor there with respect to the discovery  
21 issues that we are talking about.  
22 So I think we have both made our positions  
23 clear. And I understand we are both in agreement that  
24 we'll be back at 10:00 tomorrow to pick up this  
25 deposition. And then we can -- I would expect that it

Page 62

1 finally get a date for your deposition until October.  
2 MS. LARKINS: Wait. Wait. Wait. Now, this is  
3 too much. I had a date for my deposition, and you very  
4 leisurely waited for a couple of weeks before you told me  
5 that you were not going to be available on that date.  
6 MR. SMITH: Right.  
7 MS. LARKINS: You went to court and forced me  
8 to make my deposition later.  
9 MR. SMITH: I asked you to make your deposition  
10 earlier. I proposed well --  
11 MS. LARKINS: Oh, that's true.  
12 MR. SMITH: -- over a dozen deposition days,  
13 none of which you accepted. You didn't comply with the  
14 court's order to propose three alternate dates of your  
15 own, until we finally got -- after my third or fourth  
16 letter of issue, you finally proposed the dates of  
17 October 27, 28th, and 29th.  
18 And then after I suggested we start on October  
19 27th, you said: No, I can't do the 27th. Let's do the  
20 28th. Then, on the 28th, we started and went for about  
21 an hour and a half and then had to suspend it because you  
22 were too tired and couldn't go on the 29th for some  
23 reason that you haven't revealed to me or that I don't  
24 recall. So we are picking up now on November 1st.  
25 MS. LARKINS: Okay. Hey, I will stipulate that

Page 64

1 will go all day, but you are telling me that it is not  
2 going to go all day, and we'll address that tomorrow.  
3 MS. LARKINS: Okay. You know, I would like to  
4 address it right now. Let's see. I'm willing to come  
5 here at 10:00 tomorrow, and I would be willing to go until  
6 1:00; but we can argue that then.  
7 Let's see. What will it take? Will we spend  
8 an hour arguing about it? So maybe we should start  
9 arguing at twelve?  
10 MR. SMITH: Why don't we just start the  
11 deposition tomorrow. And, hopefully, we will --  
12 MS. LARKINS: Okay. I need to figure out  
13 beforehand when I start arguing about quitting. So  
14 what -- why don't you just stipulate that we can go  
15 until -- from ten until one. You get three hours of  
16 questions. And I will answer your questions, unlike your  
17 client. Your client wouldn't answer questions. I will  
18 give you three hours of good answers to your questions  
19 tomorrow, and then we'll continue another day. How about  
20 that?  
21 Let's not -- I mean, we both -- our time is  
22 valuable. I mean, you know, life is finite. Let's --  
23 how long have we spent talking about this now?  
24 MR. SMITH: Long enough.  
25 MS. LARKINS: Long enough. Okay. Okay. I

11 (Pages 61 to 64)



<p>Page 65</p> <p>1 don't want to be here after 1:00 tomorrow. I'm willing 2 to go from ten to one. And I'm willing to answer your 3 questions and come back another day. How about we agree 4 to that? 5 MR. SMITH: I can't agree to that. Let's just 6 start at 10:00. We'll raise the issue at 1:00, if 7 necessary. 8 MS. LARKINS: No. No. I'm going to raise the 9 issue at 12:00, because I want to be out of here by 1:00. 10 MR. SMITH: You can raise the issue at 12:00. 11 MS. LARKINS: Okay. That's what we'll do. 12 Why don't we just do what I did at Kelly 13 Angel's? That was so much quicker. We'll do that at 14 1:00. I will leave. I will just leave at 1:00. 15 And you can be talking about contempt of court. 16 And I can tell you that -- actually, I would ask the 17 court not to give me financial sanctions for contempt of 18 court but to put me in jail, because then, I think that 19 this case would really get some publicity. 20 MR. SMITH: That's what your preference would 21 be? 22 MS. LARKINS: Yes. I think of myself as Rosa 23 Parks. 24 MR. SMITH: If you would like, we can stipulate 25 to the court entering a contempt of court order, and I</p>	<p>Page 66</p> <p>1 will not seek monetary sanctions. 2 MS. LARKINS: Okay. No. No. No. Wait a 3 minute. No. I shouldn't. I have no idea what you are 4 talking about. 5 MR. SMITH: Okay. Let's -- 6 MS. LARKINS: No. Since you brought that up, 7 explain to me how that would work. 8 MR. SMITH: I don't know how it would work. I 9 haven't sought contempt of court sanctions in the past 10 and hoped I wouldn't have to in this case. 11 MS. LARKINS: Well, the court would probably 12 just give me monetary sanctions. Just the fact that you 13 didn't ask for the monetary sanctions wouldn't get me in 14 jail. How about you ask -- you agree -- you stipulate to 15 ask that I be put in jail? 16 MR. SMITH: I will consider it. 17 MS. LARKINS: Thank you. 18 MR. SMITH: We'll pick up at 10:00 tomorrow. 19 It's still my intention to go the entire day. I 20 understand that you have no intention of going the entire 21 day, but we can address that tomorrow. 22 MS. LARKINS: Yes. 23 What I plan to do is: I tell you what, I will 24 answer your questions for three hours, and then I will 25 leave at 1:00.</p>	<p>Page 67</p> <p>1 MR. SMITH: I understand that that is what your 2 intention is. 3 MS. LARKINS: Okay. 4 MR. SMITH: I think you are clear that it is 5 my -- 6 MS. LARKINS: No more talking. That is what is 7 going to happen. You do whatever you want to do. Let's 8 end this. This is really getting boring. 9 MR. SMITH: I appreciate that. I would like to 10 make my position perfectly clear. 11 MS. LARKINS: Your position is clear. You are 12 going to do everything you can against me when I walk 13 out. I understand that. 14 MR. SMITH: Okay. 15 THE VIDEOTAPE TECHNICIAN: All right. Then 16 this will end tape one and Volume II of the deposition of 17 Maura Larkins. And, at 12:37, we are off the record. 18 Thank you. 19 (The deposition was adjourned at 12:37 p.m.) 20 21 22 23 24 25</p>	<p>Page 68</p> <p>1 I, the undersigned, say that I have read the 2 foregoing deposition and hereby declare under penalty of 3 perjury the foregoing is true and correct. 4 Executed this _____ day of _____, 2004, 5 at _____, 6 (City) (State) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>DECLARANT</p>
--	--	--	--

12 (Pages 65 to 68)



Page 69

1 STATE OF CALIFORNIA )  
 ) ss

2 COUNTY OF SAN DIEGO )  
3

4 I, Bonnie Breen, CSR No. 5582, a Certified Shorthand  
5 Reporter in and for the County of San Diego, State of  
6 California, do hereby certify:

7 That prior to being examined, the witness named in  
8 the forgoing deposition was by me duly sworn to testify  
9 to the truth, the whole truth, and nothing but the truth.

10 That said deposition was taken before me at the time  
11 and place set forth and was taken down by me in shorthand  
12 and thereafter reduced to computerized transcription  
13 under my direction and supervision; and I hereby certify  
14 the foregoing deposition is a full, true and correct  
15 transcript of my shorthand notes so taken.

16 I further certify that I am neither counsel for nor  
17 related to any party to said action nor in anywise  
18 interested in the outcome thereof.

19 IN WITNESS WHEREOF, I have hereunto subscribed my  
20 name this \_\_\_\_\_ day of \_\_\_\_\_, 2004 at San Diego,  
21 California.

22

23

Bonnie G. Breen

24

Certified Shorthand Reporter No. 5582

25

13 (Page 69)

Page 70

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO

MAURA LARKINS,

Plaintiff,

vs.

ELIZABETH SCHULMAN, and DOES 1  
through 10, inclusive,

Defendants.

GIC 823858

DEPOSITION OF MAURA LARKINS

Volume III

(Pages 70 through 127, inclusive.)

November 2, 2004

Taken at San Diego, California

BONNIE G. BREEN,  
CSR NO. 5582

COMPLIMENTARY

	Page 71
1 INDEX	
2 DEPOSITION OF MAURA LARKINS	PAGE
3 November 2, 2004	
4	
5 EXAMINATION	
6 By Mr. Smith	73
7	
8 EXHIBITS	
9 (None.)	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

Page 72

1 DEPOSITION OF MAURA LARKINS  
2 Pursuant to Notice to take deposition on the  
3 2nd day of November, 2004, commencing at the hour of  
4 10:20 a.m., at 319 Elm, Suite 100, in the City of San  
5 Diego, County of San Diego, State of California, before  
6 me, Bonnie G. Breen, Certified Shorthand Reporter in and  
7 for the State of California, personally appeared:  
8 MAURA LARKINS,  
9 who, called as a witness by the Plaintiff, being by me  
10 first duly sworn, was thereafter examined as a witness in  
11 said cause.  
12 APPEARANCES  
13 For the Plaintiff: MAURA LARKINS  
(In Propria Persona) 1935 Autocross Court  
14 El Cajon, California 92019  
(619) 444-0065  
15  
16 For the Defendants: KLINEDINST, P.C.  
17 BY: MATTHEW C. SMITH  
18 501 West Broadway, Suite 600  
19 San Diego, California  
20 92101-3584  
21 (619) 239-8131  
22 Videographics: Gregg Iseman, Videographer  
23 1903 30th Street  
24 San Diego, California 92102  
25

Page 73

1 THE VIDEOTAPE TECHNICIAN: This is the video  
2 deposition of Maura Larkins, Volume III, being taken on  
3 behalf of defendants in the matter of Maura Larkins  
4 versus Elizabeth Schulman, et al, San Diego Superior  
5 Court Case Number GIC 823858.  
6 This deposition is being held at 319 Elm Street  
7 at the offices of San Diego Court Reporting, San Diego,  
8 California. Today is Tuesday, November 2nd, 2004. The  
9 time is now 10:20 a.m. My name is Gregg Iseman. I am a  
10 legal video specialist with Video Graphics located at  
11 1903 30th Street, San Diego, California. The certified  
12 Shorthand Reporter is Bonnie Breen of San Diego Court  
13 Reporting, San Diego, California.  
14 For the video record, would counsel please  
15 state their appearances.  
16 MR. SMITH: Matthew Smith of Klinedinst P.C. on  
17 behalf of Defendant Elizabeth Schulman.  
18 MS. LARKINS: Maura Larkins, plaintiff, in pro  
19 per.  
20 THE VIDEOTAPE TECHNICIAN: Would the reporter  
21 please swear the witness.  
22 (Deponent sworn.)  
23 EXAMINATION BY MR. SMITH:  
24 Q. Could you state your name for the record,  
25 please.

Page 74

1 A. Maura Larkins.  
2 Q. Could you spell that, please.  
3 A. M-a-u-r-a, L-a-r-k-i-n-s.  
4 Q. Ms. Larkins, how many times have you had your  
5 deposition taken?  
6 A. Well, I had it taken last on October 25th --  
7 that wasn't finished -- by Kelly Angel in the Larkins  
8 versus Werlin matter and then this deposition.  
9 Q. Any other depositions that you have taken?  
10 A. No.  
11 Q. Have you ever testified in court before?  
12 A. I testified at my administrative hearing.  
13 Q. Other than your testimony at the administrative  
14 hearing, have you ever testified in court?  
15 A. No.  
16 Q. Other than this case and the other lawsuit that  
17 you are currently prosecuting in pro per against the  
18 school district and numerous other individuals, what  
19 other lawsuits have you been a party to, either as a  
20 plaintiff or a defendant?  
21 A. I -- there was a third case that was related to  
22 this current case I filed, I think it was January of  
23 2003, yes, against Kathleen Elton, who was the person who  
24 initiated the allegations that led to you and I sitting  
25 here today.

Page 75

1 Q. Let me see if I can get a comprehensive list of  
2 all your lawsuits. You have currently got a lawsuit  
3 against Ms. Schulman, correct?  
4 A. Yes.  
5 Q. You have currently got a lawsuit against the  
6 school district?  
7 A. Well, the school district isn't involved. The  
8 name on the case is Larkins versus Werlin, Richard  
9 Werlin.  
10 Q. Is Werlin still a defendant in that case?  
11 A. He's not currently a defendant.  
12 Q. Who are the defendants in that case right now  
13 as it stands?  
14 A. Linda Watson, Robin Donlin, Gina Boyd, Tim  
15 O'Neal, Chula Vista Educators, and Michael Carlson. I  
16 think that is all. I don't think California Teachers  
17 Association is in it, but that is the other possibility.  
18 They might. I just have to check.  
19 Q. Is there any relationship between Chula Vista  
20 Educators and California Teachers Association?  
21 A. Yes. Chula Vista Educators is a local  
22 affiliate of the California Teachers Association.  
23 Q. Am I correct in characterizing California  
24 Teachers Association as a labor union of some kind?  
25 A. Yes.

Page 76

1 Q. Chula Vista Educators is the local affiliate of  
2 that union?  
3 A. Yes.  
4 Q. Now, you also filed a lawsuit that was  
5 consolidated into the Werlin case, correct?  
6 A. Yes.  
7 Q. And who is the lead defendant in that lawsuit?  
8 A. I'm going to say California Teachers  
9 Association. It was either that or the National  
10 Education Association, which is the -- the institution  
11 that has a federal charter that is to which CTA is  
12 affiliated.  
13 Q. And who are the defendants in that lawsuit?  
14 A. They were -- you mean the ones that had been  
15 dismissed?  
16 Q. Let's do it this way: Who are currently the  
17 defendants in that lawsuit?  
18 A. The ones I already named, since it has been  
19 consolidated. That was consolidated into the Werlin  
20 matter.  
21 Q. When -- before it was consolidated, who were  
22 the defendants in that case?  
23 A. Beverly Tucker, the head counsel for California  
24 Teachers Association; Wayne Johnson, who was the former  
25 president of California Teachers Association, but I was

Page 77

1 unable to serve him; Barbara Kerr, the current president  
2 of California Teachers Association; and Carolyn Doggett,  
3 the Executive Director of California Teachers  
4 Association; plus the defendants, the other defendants  
5 you have, plus Gina Boyd and Tim O'Neal and CTA.  
6 Q. Are you reading off my notes?  
7 A. I'm pointing to where it is written.  
8 Q. Do me a favor. Don't read my notes, please.  
9 A. Okay. I can't really read them. I know that  
10 you wrote those things. Thanks.  
11 Q. I understand that you are just trying to give a  
12 list of people.  
13 A. Tell you what, just to make sure, I will put my  
14 purse here so I can't see them. You are safe.  
15 Q. Okay. If that is what you want to do, that is  
16 fine.  
17 A. You can read my notes. The camera can probably  
18 even read my notes.  
19 Q. And then, in addition to that, you had a  
20 lawsuit against Kathleen Elton?  
21 A. Yes.  
22 Q. Were there any other defendants other than  
23 Kathleen Elton?  
24 A. Just DOES.  
25 Q. What is the status of the Elton case?

Page 78

1 A. That was settled and dismissed.  
2 Q. What was the settlement?  
3 A. I was given \$75,000 in return. It was actually  
4 settled in my father's probate. Do you want me to  
5 explain it to you?  
6 Q. Yes.  
7 A. Okay. Kathleen Elton and my brother wanted  
8 control of my father's apartment after my father died.  
9 My brother and I were co-administrators of the estate.  
10 And my brother had control over all the money, because he  
11 wanted to, and I let him, and I trusted him, that he was  
12 taking good care of things. And I let him do work on the  
13 apartment building. And I thought that he was informing  
14 me correctly of how much he was -- money he was using.  
15 And when the estate first opened, it was a  
16 very, very small estate. There was \$28,000 in cash and  
17 an apartment building on Broadway in Golden Hill that at  
18 the time was appraised at \$143,000.  
19 In, I think it was, let's see, May of 2000. My  
20 father died in 1998. The probate was opened in 1999.  
21 And in May of 2000, I finally got my brother to tell me  
22 what the financial status was of the estate.  
23 And he told me that he had spent all the cash  
24 in the estate, and he had worked off a chunk of the  
25 equity that we had in the apartments. And I told him not

3 (Pages 75 to 78)

Page 79

1 to do any more work on the apartments, because if he kept  
2 going at this rate, pretty soon, he would own the entire  
3 building, and my sister and I would have nothing.

4 Well, he became very angry, and he said the  
5 apartments could rot, and he wasn't going to have  
6 anything more to do with them. So I took over taking  
7 care of the apartments, collecting the rent, paying the  
8 bills. In fact, he had quit paying the bills before he  
9 told me he was stopping. And, one weekend, I had to run  
10 downtown and pay the water bill, because Kathleen Elton  
11 herself called me up and told me that the water had been  
12 turned off.

13 So, long story short, one day, my  
14 ex-sister-in-law, Kathleen Elton, called the police on me  
15 and had me arrested for trespassing in my father's  
16 apartment. And she told the police that I was mentally  
17 ill and that I had a gun. And I was taken to jail.

18 So, as part of the settlement of the estate, my  
19 brother decided to give me \$75,000 in return for some  
20 property in Guatemala and a promise not to name him, not  
21 to sue him in my case against Kathleen Elton for making a  
22 false police report, because there was the possibility  
23 that I would name him because he had -- he had told  
24 Kathleen to call the police, and he had coached her on  
25 what to say. So on the basis of that settlement in the

Page 81

1 Q. Are there any other lawsuits that you have ever  
2 been a party to?

3 A. My development, where my house is, sued the  
4 developer for putting in a PVC pipe in the plumbing.  
5 This was about 15 years ago, 10 years ago. That was the  
6 only other lawsuit I was ever involved in.

7 Q. Who were the parties that in lawsuit?

8 A. Well, all the homeowners. And I actually  
9 forgot the name of the developer.

10 Q. Were the homeowners suing as individuals or as  
11 part of a homeowners association?

12 A. There was no homeowners association.

13 Q. So you as an individual person, Maura Larkins,  
14 sued the housing developer?

15 A. Well, nobody asked me if I wanted to sue them.  
16 I think there was some sort of class action suit or  
17 something like that.

18 Q. Do you recall the name of the developer?

19 A. No, I don't. I was actually the second owner  
20 of the house; so I never had any direct relationship with  
21 the developer before that.

22 Q. Any other lawsuits?

23 A. No.

24 Q. How many depositions have you taken?

25 A. Let's see. Your client, Gina Boyd, and Linda

Page 80

1 probate, I dismissed the lawsuit against Kathleen Elton.

2 Q. So you sued Kathleen Elton for making a false  
3 police report, correct?

4 A. Yes.

5 Q. And you dismissed the lawsuit against Kathleen  
6 Elton, correct?

7 A. Yes.

8 Q. And Kathleen Elton never paid you any money for  
9 dismissing that?

10 A. No.

11 Q. What is your brother's name?

12 A. Joseph Hogan. I should mention that Kathleen  
13 Elton was homeless at the time that I let her stay at my  
14 father's apartments. She and my brother were divorced  
15 several years ago. But she is the mother of my niece.  
16 So when she came to me homeless and unemployed and  
17 problems with substance abuse, I took her in.

18 And, of course, the way the story turned out  
19 just goes to show that no good deed goes unpunished.

20 MR. SMITH: I'll move to strike that last  
21 response.

22 BY MR. SMITH:

23 Q. Are there any other lawsuits that you are  
24 currently a party of?

25 A. No.

Page 82

1 Watson. I don't believe I have taken any more than that,  
2 yes.

3 Q. Three total, in addition to the two partial  
4 days that you spent questioning yourself, here today in  
5 this deposition?

6 A. Yes, that's right. I took my own deposition.

7 Q. What -- what books have you read to help inform  
8 you about the deposition process?

9 A. Well, I read the Nolo book and state, state  
10 codes and Code of Civil Procedure.

11 Q. You read the California Code of Civil procedure  
12 as it relates to taking depositions?

13 A. Part of it, yes.

14 Q. What other steps did you take to inform  
15 yourself on the deposition process?

16 A. Actually, I must say that a lot of what I  
17 learned I learned from your client, Elizabeth Schulman,  
18 in the deposition -- watching her take deposition.

19 Q. So you observed a number of depositions?

20 A. Yes.

21 Q. How many depositions have you observed?

22 A. Five.

23 Q. And those were the five depositions that Betty  
24 Schulman took?

25 A. Yes.

4 (Pages 79 to 82)

SAN DIEGO COURT REPORTING SERVICE  
319 ELM STREET, SUITE 100, SAN DIEGO, CA 92101

619-232-1164  
FAX 619-232-2616



Page 83

1 Q. Are you under the influence of any medication  
2 or alcohol today that would impair your ability to  
3 testify?  
4 A. No.  
5 Q. Is there any reason that you can't give your  
6 best testimony here today?  
7 A. No.  
8 Q. When did you first start working with the Chula  
9 Vista Elementary School District?  
10 A. In September 1974.  
11 Q. When did you first start at Castle Park  
12 Elementary?  
13 A. In August 1997.  
14 Q. Did you work at Castle Park through your  
15 termination in 2001?  
16 A. Yes. Up until I was taken out of my classroom,  
17 yes.  
18 Q. You were taken out of are classroom in 2001?  
19 A. Yes. Although, excuse me, I apologize, the  
20 decision to dismiss wasn't made until May 2002.  
21 Q. I will clarify that. I understand you were  
22 taken out of your classroom on multiple occasions, more  
23 than one occasion?  
24 A. Twice, yes.  
25 Q. When was the first time you were taken out of

Page 84

1 your classroom?  
2 A. February 12th, 2001.  
3 Q. Who made the decision to take you out of the  
4 classroom at that point?  
5 A. Richard Werlin.  
6 Q. How was that decision communicated to you?  
7 A. I was called by my principal, Gretchen  
8 Donndelinger, the previous day and told to come to a  
9 meeting at the school district office on February 12th.  
10 Q. Where is the school district office?  
11 A. 84 East J Street in Chula Vista.  
12 Q. Did you understand what the meeting was going  
13 to be about?  
14 A. No, no clue.  
15 Q. Did you attend that meeting?  
16 A. Yes.  
17 Q. Why did you attend that meeting?  
18 A. It never occurred to me not to.  
19 Q. Who attended that meeting besides yourself?  
20 A. Gretchen Donndelinger, the principal; Gina Boyd  
21 the president of my local teachers union; Cynthia Miller,  
22 an administrator at the district; and Richard Werlin.  
23 Q. How long did that meeting last?  
24 A. I'd say it was close to an hour, I'd say.  
25 Q. And --

Page 85

1 A. 45 minutes at least.  
2 Q. What time did the meeting take place?  
3 A. -- It was around ten in the morning.  
4 Q. Was it during school hours?  
5 A. Yes.  
6 Q. Was there another teacher covering your  
7 classroom?  
8 A. Yes.  
9 Q. Your substitute?  
10 A. Yes.  
11 Q. What was discussed at that meeting?  
12 A. I was told that I was going to be placed on  
13 administrative leave -- no -- yes, yes -- for three days,  
14 during which time I was supposed to get a letter from my  
15 doctor saying that I was fit to teach; and if I didn't  
16 get a letter from my doctor saying I was fit to teach  
17 within those three days, which I didn't, I was being  
18 placed on sick leave.  
19 Q. What was the reason given for placing you on  
20 administrative leave?  
21 A. That two teachers had called Rick Werlin at  
22 about 8:30 Saturday night, February 10th, and told him  
23 that I had acted like I was going to kill them.  
24 Q. Do you know who those two teachers are?  
25 A. I know now.

Page 86

1 Q. Did they tell you who those two teachers were?  
2 A. No.  
3 Q. Did you ask at that meeting who those two  
4 teachers were?  
5 A. Yes, I did.  
6 Q. Did they tell you why they wouldn't tell you?  
7 A. No.  
8 Q. Is it possible they were acting appropriately  
9 to protect the identities of people who might be  
10 retaliated against if you were in fact somebody who was  
11 dangerous?  
12 A. It is obvious that they did not think I was  
13 dangerous, because they asked me to come back without any  
14 fitness to teach letter and without any investigation.  
15 What they were afraid of was that the crime  
16 that they had committed would be revealed. And as a  
17 matter of fact, to this day, Linda Watson has never  
18 admitted being the second caller that night.  
19 MR. SMITH: Move to strike as nonresponsive.  
20 BY MR. SMITH:  
21 Q. Why didn't you get a fitness for duty letter?  
22 A. I discovered -- I went to Kaiser, I believe  
23 that -- I think I went -- I went very quickly. And I  
24 discovered what I'm sure the district already knew and  
25 that is Kaiser does not do fitness-for-duty evaluations.

5 (Pages 83 to 86)

Page 87

1 Q. Did you check with any other medical care  
2 provider to see if you get a fitness-for-duty letter?  
3 A. Not at that time.  
4 Q. Ever?  
5 A. Yes.  
6 Q. Why didn't you at that time?  
7 A. Asking me to get that fitness-for-duty letter  
8 was a violation of the education code. Also, I felt --  
9 I -- this allegation against me was triggered by my  
10 reporting having been harassed. I had been harassed for  
11 quite a while, and it had become quite severe at this  
12 time. And this was the ultimate harassment, for these  
13 two teachers to make up this bizarre story in order to  
14 prevent me from reporting their actions against me.  
15 I did not want to go back to work until these  
16 charges had been retracted. I thought this needed to be  
17 investigated. If somebody thinks I'm going to kill them,  
18 well, if they are lying, that needs to be discussed. And  
19 maybe they are the ones that should be placed on  
20 administrative leave. And if they are not, maybe they  
21 need some mental health care; but the charges needed to  
22 be investigated. And, to this day, the district has  
23 never investigated them.  
24 Q. You were unwilling to return to work until the  
25 charges were investigated?

Page 88

1 A. At that time, I held out hope at that time that  
2 the charges would be investigated before I went back to  
3 work. As it turned out, in April, I ended up going back  
4 to work without the charges being investigated, because  
5 Rick Werlin promised me that no more secret allegations  
6 or false allegations would be allowed or anonymous  
7 allegations would be allowed against me.  
8 Q. When was the second time you were taken out of  
9 your classroom?  
10 A. April 20th, 2001.  
11 Q. I'm sorry. When did you go back to your  
12 classroom after the first time you were taken out?  
13 A. April 16th, 2001.  
14 Q. So you were initially taken out of your  
15 classroom February 12th, correct?  
16 A. Uh-huh.  
17 Q. Yes?  
18 A. Yes.  
19 Q. And you remained out of your classroom for  
20 approximately two months and came back on April 16th?  
21 A. Yes.  
22 Q. April 16th was the first day back in the  
23 classroom?  
24 A. Uh-huh.  
25 Q. Yes?

Page 89

1 A. Yes.  
2 Q. And you were taken out again on April 20th,  
3 2001?  
4 A. Yes.  
5 Q. Were you actually removed from the classroom  
6 April 20th, 2001, or was that the first day that you were  
7 absent from the classroom? Does that make sense?  
8 A. Yes. I understand your question.  
9 Q. Let me ask it differently. You were in the  
10 classroom on April 19, 2001, correct?  
11 A. Yes.  
12 Q. Were you in the classroom on April 20th, 2001?  
13 A. Yes. I worked the entire day.  
14 Q. So April 21 was actually the first day that you  
15 missed class?  
16 A. It was a Saturday, but right.  
17 Q. So April 20th was a Friday?  
18 A. Yes.  
19 Q. When were you told that you were being removed  
20 from the classroom the second time on April 20th?  
21 A. I was called at my home about five p.m. by Rick  
22 Werlin.  
23 Q. What did he say?  
24 A. He said: You are not to return to your  
25 classroom, and you are not to set foot on Chula Vista

Page 90

1 property. And he said: And I will follow up this  
2 directive in writing.  
3 Oh, what happened was, I said: Hold on a  
4 second. I want to go get some paper and a pencil to  
5 write down what you say. He said: No. No. No, that's  
6 not necessary. I'm going to follow up in writing.  
7 But, fortunately, I did go, and I wrote down  
8 what he said. It was kind of strange. When I came  
9 back -- I went to get the paper. And when I came back,  
10 the phone was sitting there on the couch. And out of --  
11 out of the handset, I could hear this voice yelling:  
12 Maura. Maura. He was -- he was really excited that  
13 night. So he never did follow up in writing.  
14 Q. What was the reason Mr. Werlin gave you for  
15 asking you not to return to your classroom?  
16 A. I don't believe he gave any reason.  
17 Q. How long was that telephone conversation?  
18 A. Very short, like less than five minutes. Maybe  
19 three minutes.  
20 Q. And he simply said don't return to your  
21 classroom; I'm not telling you why?  
22 A. Yes. And I think he said we'll have a meeting  
23 next week. He didn't say, "I'm not telling you why." He  
24 just didn't tell me why.  
25 Q. Well, I assume you asked him why?

6 (Pages 87 to 90)

Page 91

1 A. You know, we have -- thanks to me going and  
2 getting the paper that day, we have a transcript of that  
3 conversation. I -- I'm not sure I did ask him why.  
4 Everything was so insane. I mean, the guy was -- he  
5 would -- really, there is an important other part of this  
6 story that you --

7 Q. I --

8 A. Please let me answer this question. Please  
9 don't interrupt me when I'm answering a question.

10 Q. You are no longer answering the question. You  
11 are talking about another important part of the story.  
12 Wait. Wait, Ms. Larkins. I sat here for two days while  
13 you asked yourself questions and gave yourself answers.  
14 You have given me a limited time period today to ask you  
15 questions. You said you are leaving at one. You showed  
16 up 15 to 20 minutes late today on this limited day that  
17 you are going to permit me to ask you questions.

18 I understand that you have a burning need to  
19 tell your story, not on my time. I will ask you  
20 questions. You can give answers. Please try to  
21 refrain -- to restrain yourself to answering my  
22 questions.

23 A. As my own counsel, I would like to say  
24 something, not as a witness.

25 You came 25 minutes late to Schulman's

Page 92

1 deposition. You left and said: We're finished. We are  
2 not coming back. You unilaterally ended Schulman's  
3 deposition. You came 15 minutes late yesterday.

4 It is important to me that you understand that  
5 I had actually seen Rick Werlin about three hours before  
6 this conversation. I had attempted to talk to Rick  
7 Werlin.

8 Now, when you are asking me whether I asked him  
9 why I was being taken out on leave, it is important for  
10 you to understand that he was hiding in the principal's  
11 office at Castle Park Elementary School. And I was  
12 waiting outside the principal's office at Castle Park  
13 Elementary School for, oh, let's see, what was it, about  
14 40 minutes, when finally the principal told me that she  
15 wouldn't speak to me. And when she opened the door, I  
16 could see Rick Werlin was in there trying to hide.

17 What I didn't see, but I found out later, was  
18 there were a whole bunch of other teachers hiding,  
19 successfully hiding behind the door when Rick Werlin was  
20 unsuccessfully trying to hide.

21 So that is very important when you asked me  
22 whether or not I asked Rick Werlin why I was being taken  
23 out. Obviously, he did not want to talk to me. They did  
24 not want to discuss anything with me. They did not want  
25 to --

Page 93

1 He had promised me that there would be no  
2 anonymous and secret allegations against me. And,  
3 obviously, he was determined that there would be secret--  
4 and anonymous allegations against me.

5 MR. SMITH: Move to strike.

6 BY MR. SMITH:

7 Q. When did you first meet Rick Werlin?

8 A. He was hired by the district right about the  
9 same time I moved to Castle Park Elementary School. And  
10 I remember seeing him, but I never really met him until  
11 that day when he took me out of my classroom.

12 Q. On February 12th, 2001?

13 A. Yes.

14 Q. Did you ever have any disciplinary actions  
15 taken against you prior to February 12th, 2001?

16 A. No.

17 Q. Did you ever have any complaints lodged against  
18 you prior to 2001?

19 A. I believe that teachers had made some anonymous  
20 and secret complaints against me, but that has pretty  
21 much been kept secret.

22 Q. What evidence do you have to support that  
23 belief?

24 A. I guess the principal told me so. Yeah, she  
25 told me so. She said that she encouraged them to come

Page 94

1 and report to her.

2 And, also, it was pretty well known. I mean,  
3 you could ask any teacher there. There were a certain  
4 group of teachers, Robin Donlin, prominent among them,  
5 Linda Watson, too, who were constantly going into the  
6 principal's office complaining about kids, parents,  
7 teachers. The principal herself, she -- basically, they  
8 had her under control. She was very intimidated by them,  
9 did what they wanted.

10 Q. Are you done?

11 A. (Witness nods head up and down.)

12 Q. Prior to the events leading up to you being  
13 taken out of your classroom on February 12th, 2001, did  
14 you ever have any friction or conflicts with the school  
15 district administration?

16 A. No.

17 Q. After being taken out of your classroom April  
18 20th, 2001, did you ever return to the school?

19 A. Not to teach.

20 Q. Sounds like you returned to the school to do  
21 things other than teach?

22 A. Well, I came back to get my stuff.

23 Q. When did you go back to get your stuff?

24 A. In the summer, I got some of my stuff, and  
25 then, apparently -- but the district wouldn't let me.

7 (Pages 91 to 94)

Page 95

1 They banned me from all district property. So I couldn't  
2 get my stuff.  
3 And, in fact, this ban against me setting foot  
4 on any district property was in effect when they asked me  
5 to come back to work the following year, which shows how  
6 extremely schizophrenic the district's thinking was, that  
7 they would be -- they keep taking me out of my classroom,  
8 saying that I'm going to kill people, and that I for some  
9 reason need to be banned from all district property, and,  
10 yet, they keep asking me to come back.

11 Q. When -- excuse me.

12 When the school district took you out of the  
13 classroom, did you understand that they were making a  
14 conclusion that you weren't in fact somebody that was  
15 dangerous and likely to kill somebody or were they taking  
16 precautionary measures to investigate an allegation?

17 A. Well, they obviously were not taking any  
18 precautionary measures to investigate, because they never  
19 investigated.

20 Q. So when they took you out of the classroom,  
21 that was because they had concluded that you were  
22 dangerous and likely to kill people?

23 A. I believe that it was a -- it was a political  
24 action to prevent me from getting any release from --  
25 relief from the harassment I had been receiving. I

Page 97

1 Q. Did you have any communications with the school  
2 district administration in-between April 20th, 2001 when  
3 Rick Werlin called your house and asked you not to return  
4 to your classroom and when you hired Pam Havird?

5 A. Well, I got faxes from them telling me that I  
6 should come to a meeting on April 25th. And, you know,  
7 I'm a strong person emotionally. And I was able to cope  
8 very well the first time this happened. Partly, it was  
9 probably because I was just in disbelief. I just  
10 couldn't believe this could be happening. And I figured  
11 pretty soon they are going to realize how insane they are  
12 and they are going to fix this.

13 But then when I was taken out the second time,  
14 then I realized they were never ever going to hear my  
15 side of the story. They were never going to tell me what  
16 the allegations were against me. I could never -- I  
17 realized they were never going to let me go back to my  
18 classroom.

19 And, you know, it wasn't really just that, what  
20 was happening to me. It really had a big effect on me,  
21 as far as my faith in human beings. I had spent my  
22 professional career with innocent children, who hardly  
23 ever lie, and they always try to do the right thing.

24 And I -- I realize now that I had an  
25 unrealistic view of the world. I thought that 90 percent

Page 96

1 don't -- I don't think they thought I was going to kill  
2 anybody.

3 Q. When did you first decide to hire an attorney  
4 in relation to your dispute with the school district?

5 A. On -- I hired an attorney on May 2nd, 2001.

6 Q. And who was that attorney?

7 A. Pamela Havird.

8 Q. Why did you hire Pam Havird?

9 A. Because when they took me out the second time  
10 and refused to tell me what the allegations were or who  
11 had made them, and then when I contacted CTA, I talked to  
12 Beverly Tucker, who we mentioned as a defendant.

13 Q. Somebody that you have sued?

14 A. Yes. She -- it was unbelievable. She was  
15 just -- she put up a stone wall. I called her up. And I  
16 was starting to tell her what had happened. And she  
17 said, Well, you put yourself on sick leave. And I said,  
18 Oh, did you talk to Tim O'Neal? And she said, No, I'm  
19 talking to you.

20 It was obvious she had talked to Tim O'Neal,  
21 and she was just lying to me about it. And she just  
22 didn't want to hear anything from me.

23 And that's when I realized that I was not going  
24 to get any help from the union; and that's when I  
25 realized I needed an attorney.

Page 98

1 of people were honest and maybe about 10 percent were  
2 dishonest.

3 And it was such a shock to me to realize that  
4 this school district, people in a public entity in these  
5 positions of power, had absolutely no respect for right  
6 or wrong or violating the contract or violating the law.  
7 They didn't care what was true. They didn't care what  
8 they did to those children in my classroom, who were  
9 really traumatized.

10 I -- it really -- it really was devastating to  
11 me emotionally; and I became -- I became really  
12 depressed. I was in bed for 10 days. And during that 10  
13 days, the district demands that I come to this meeting.  
14 And Gina Boyd demanded that I go to that meeting. And I  
15 said: Wait a minute. You are representing Linda Watson.  
16 By this time, Gina Boyd had made it clear that she was  
17 representing Linda Watson, not me; and, yet, she was  
18 going to be there as my representative. Well, obviously,  
19 she was not on my side.

20 There was no one there that would be on my  
21 side. There would be Rick Werlin, Gina Boyd. There was  
22 Maria Beers, who was in the middle. Gina -- did I say  
23 Maria Beers? Maria Beers was a teacher representative,  
24 who was honest and fair, but she was in the middle. She  
25 had to represent Linda Watson. And Robin Donlin wasn't



Page 99

1 mentioned at that time. And she had to represent me.  
2 But there was really no one on my side.  
3 And I didn't feel it would be safe for me to go  
4 to such a meeting without a lawyer. And, anyway, I  
5 really was sick in bed. And Gina just demanded that I go  
6 to that meeting. And I said: But just last week, you  
7 had said that Linda Watson should go home in the middle  
8 of the day because she was emotionally upset, and I'm  
9 really emotionally upset; but no one wanted to believe  
10 that.  
11 And, in fact, it seems that the judge that  
12 wrote the decision in my administrative hearing didn't  
13 want to believe it either. He didn't believe that I was  
14 depressed, so depressed that I was in bed for 10 days.  
15 I think there was a process of dehumanizing me  
16 that these people went through; that the judge went  
17 through in the administrative hearing; that Elizabeth  
18 Schulman went through; that these teachers went through.  
19 I think I just wasn't -- to them, I wasn't a human being  
20 with feelings.  
21 In fact, it is interesting, because Gretchen  
22 Donndelinger, the principal, took notes at that meeting;  
23 I think it was that very meeting on April 25th. And Gina  
24 Boyd herself said: We haven't taken Maura's feelings  
25 into account. And it is true. They didn't.

Page 100

1 MR. SMITH: Move to strike as nonresponsive.  
2 BY MR. SMITH:  
3 Q. In-between being asked to remove --  
4 In-between the date you were asked not to  
5 return to the classroom on April 20th, 2001, and when you  
6 hired an attorney, Pam Havird, did you have any  
7 communications with the school district administration?  
8 A. I sent a fax back in return to the fax I just  
9 told you about in my answer to this same question the  
10 first time you asked it telling them that I was ill and  
11 couldn't come to the meeting.  
12 Q. Any other communications you had with the  
13 school district administration during that time period  
14 other than their letter asking to you attend the April 25  
15 meeting and your fax saying you were ill and could not  
16 attend?  
17 A. Yes. Yes, I called. I called Rick Werlin on  
18 April 20th, and he didn't pick up, but I left a message.  
19 I was really concerned, because I didn't realize that --  
20 I mean, I didn't think that he realized what a serious  
21 step he was taking by removing me from Castle Park; that  
22 by making it clear that he had no intention of obeying  
23 the law, no intention of showing any concern at all for  
24 the kids in my classroom, who had a series of substitutes  
25 and had a very bad rest of the year, he was just making

Page 101

1 an enormous, enormous step.  
2 Before that phone call, I didn't have any  
3 damages. I wasn't really damaged before that  
4 emotionally. I wasn't emotionally damaged before that.  
5 This was when -- April 20th was the district's  
6 really big mistake. I called him, and I said that I had  
7 students that were coming the next day, Saturday, that --  
8 to my classroom, and I had planned to tutor them to help  
9 them catch up from all the substitutes they had had up to  
10 that point. They had had three different substitutes in  
11 that short period of time when I had been out.  
12 And I said -- actually, I had told him about  
13 the kids coming when he first called, when he told me not  
14 to come, not to set foot on the property. And I remember  
15 he was mad, and he said: Did you have permission to  
16 tutor those kids?  
17 And I said, Well, no. I thought it was a good  
18 thing. And he goes: Well, you should have the parents'  
19 permission. And I said: Well, I did have the parents'  
20 permission.  
21 And so, anyway, when I called him back -- oh,  
22 and I said: Will you inform them, call up the parents  
23 tonight and inform them that there won't be any tutoring  
24 tomorrow? He said: Well, I don't know. We'll see what  
25 we can do.

Page 102

1 And so I called him back, and I said: Maybe we  
2 could have a reporter there to tell the kids not to come.  
3 I was trying to help him think of the future; that if  
4 this, what he had been doing, became public knowledge,  
5 were exposed in the media, that it wouldn't look good. I  
6 was trying to help him before Monday, before his -- what  
7 he had just said to me became irreversible, to think  
8 about what he was doing.  
9 But his response to my --  
10 Q. Threat?  
11 A. -- threat to involve the media was to call the  
12 police.  
13 Yes, Rick Werlin by then had committed a couple  
14 of misdemeanors; and it really wouldn't be a good thing  
15 for his actions to be exposed in the media. He had also  
16 violated the education code and the contract. And it  
17 really, really wasn't in his interest for this to be  
18 exposed in the media.  
19 It was in his interest not to damage me and to  
20 make things right, because then he could have gotten away  
21 with his crimes. As it is, his career seems to have  
22 pretty much taken a downturn.  
23 It could be -- my call could be characterized  
24 as a threat. But I don't know if you understand that  
25 some people really do try to help things be better

9 (Pages 99 to 102)



Page 103

1 instead of worse, and I'm one of those people. And I  
2 really hoped that he would see that it was not in his  
3 best interest to remove me from my classroom the way he  
4 was doing without -- while refusing earlier in the day to  
5 even talk to me.

6 Q. How did you find Pamela Havird?

7 A. I believe I called up the San Diego Bar  
8 Association, and they referred me to her. And she's a  
9 wonderful lawyer. She's the most honest lawyer I have  
10 met in the last three and a half years. She's very  
11 smart, too.

12 Q. How much did you pay Ms. Havird in total?

13 A. She -- I paid her 2500 for the -- and we signed  
14 an agreement, that she would help me through the  
15 grievance process with my school district, and that she  
16 would write a demand for me, and that that was it. She  
17 didn't want to go to court.

18 Later on, I sent her -- without her asking me,  
19 I sent her another 2500, because I thought she earned it  
20 because she really was doing good work.

21 Q. And she was just to represent you or to assist  
22 you in the grievance process?

23 A. Yes.

24 Q. Could you explain to me what the grievance  
25 process with the school district was at the time?

Page 105

1 A. Okay. But, right now, you understand that  
2 there is a certain number of days to file, certain number  
3 of days to meet, then a certain number of days for the  
4 district to respond.

5 Q. So those three steps are the grievance process;  
6 that it is a teacher or union files a complaint within 35  
7 days of an incident; the teacher or union meets with the  
8 administration to discuss the incident?

9 A. Uh-huh.

10 Q. And then the -- within a certain number of  
11 days, the administration writes -- prepares a written  
12 response to the grievance?

13 A. Yes.

14 Q. That written response, is that -- well, never  
15 mind.

16 What if the grievance is not resolved by that  
17 third step when the district provides a written response?

18 A. The grievant has an opportunity to go up a  
19 level to a level two grievance.

20 Q. So what we just described, that three-step  
21 process, is a level one grievance?

22 A. Yes.

23 Q. What is a level two grievance?

24 A. You have a certain number of days to file sort  
25 of an appeal.

Page 104

1 A. Yes. The first grievance was filed by -- the  
2 first alleged grievance was allegedly filed by the union;  
3 although, during -- in the Werlin case, I have asked them  
4 to produce that grievance, and they say they don't have  
5 it. So I think maybe it was a hoax. Anyway, they told  
6 me they were filing a grievance.

7 According to the contract, a teacher or the  
8 union can file a grievance and within 35 days of an  
9 incident. And within a certain number of days, the  
10 district has to meet with the grievant. And,  
11 interestingly enough, in that case, I said: Can I be  
12 there at the meeting regarding this grievance you are  
13 filing on my behalf? And they said: No, you can't be  
14 there. So I don't think there even was one. But then  
15 they claimed that there was a meeting.

16 And then there is a certain number of days when  
17 the district has to respond. And, sure enough, Rick  
18 Werlin responded. He was put in charge of the grievance  
19 against himself.

20 Q. Let me interrupt you. I'm going to ask you  
21 about your grievances. You will get an opportunity to  
22 talk about all your grievances. I'm just asking if you  
23 could describe in an abstract, general manner what the  
24 grievance process is; and then I'm going to ask you about  
25 all your individual grievances. Okay?

Page 106

1 Q. How many days?

2 A. I have no idea.

3 Q. If you wanted to find out, where would you  
4 look?

5 A. In the contract.

6 Q. Does it say it in the contract?

7 A. Yes. It is all explained in the contract.

8 Q. Have you investigated that in the past?

9 A. Yeah. If you had asked me these questions  
10 three years ago, I could probably could have quoted you  
11 the passages in the contract, but it has been a while.

12 Q. Is there anything beyond a level two grievance?

13 A. That would be arbitration.

14 Q. What is the process for a level two grievance?

15 A. Oh, you file a similar paper to the level one  
16 grievance, only it just says level two at the top, and it  
17 is a similar process.

18 Q. Is there another meeting?

19 A. I'm 99 percent sure, yeah. Yeah.

20 Q. Does the district prepare a response?

21 A. You know, what often happens, the level one  
22 grievance is often submitted to a lower-level  
23 administrator. And, often, the level two grievance would  
24 go up to a higher administrator.

25 Q. What level of administration would a level one

10 (Pages 103 to 106)

Page 107

1 grievance go to?  
2 A. It could go to just about any administrator in  
3 the district. I think even a principal could conceivably  
4 be given a grievance. In not exactly sure, but I know  
5 there is more than one person that can handle the level  
6 one.  
7 Q. Who can handle a level two grievance?  
8 A. I think Rick Werlin might be or the  
9 superintendent handles that. You know what? I think it  
10 is superintendent's designee handles level two.  
11 Q. What is the -- what is the point of the  
12 grievance process?  
13 A. Good question. The point of the grievance  
14 process is: If someone has union support, they can  
15 actually cause the district to follow the contract.  
16 Q. And if the district still doesn't follow the  
17 contract after a level two grievance, the matter can be  
18 taken to arbitration; is that correct?  
19 A. Yeah. Uh-huh.  
20 Q. Where somebody makes a decision whether the  
21 district is violating the contract?  
22 A. Yes.  
23 Q. Have you ever filed any level one grievances?  
24 A. Yes.  
25 Q. On how many different occasions have you filed

Page 109

1 one.  
2 Q. You filed seven level one grievances, and you  
3 believe Pamela Havird one level two grievance?  
4 A. I alone filed six, and Pam -- level one  
5 grievances. Pamela Havird I believe filed a level one  
6 and a level two. And the union allegedly filed a level  
7 two. They started at level two. The union can start at  
8 level two.  
9 Q. The union filed a level two grievance on your  
10 behalf?  
11 A. That's what they say.  
12 Q. Was the union's level two grievance related to  
13 one of the grievances that you or Pamela Havird already  
14 filed or was it independent?  
15 A. Well, they were the first to file a grievance,  
16 but their alleged grievance was very similar to the one  
17 Pamela Havird filed.  
18 Q. Is it your understanding that the first  
19 grievance that was filed by or on your behalf was the one  
20 filed by the union or allegedly filed by the union?  
21 A. Yes.  
22 Q. And then Pamela Havird came in and filed a  
23 level one grievance, as well?  
24 A. Do you know what? I'm thinking that the  
25 grievance Pamela Havird filed, I think maybe she filed

Page 108

1 level one grievances?  
2 A. I believe I filed seven.  
3 Q. When was the first level one grievance?  
4 A. You know, this would be a lot easier if I had  
5 my papers with me, but I will do my best. Okay. When  
6 did I file the first one? Actually, it was Pamela  
7 Havird, I believe, that filed the first one.  
8 Q. So all of your grievances were filed after you  
9 hired Pamela Havird?  
10 A. Yes, except for -- well, I guess even the union  
11 one was filed after. If it was filed, it was filed after  
12 I hired Pamela Havird.  
13 Q. Have you ever filed any level two grievances?  
14 A. Pamela Havird filed a level two grievance. But  
15 I believe all the ones I filed, there were six others,  
16 were, I believe -- I believe I only did level one.  
17 You know, this might be good for me to do this  
18 on a day when I could have all my papers, and I could  
19 give you -- if you really want the exact answers.  
20 Q. We'll go over all that. I'm just trying to get  
21 your recollection as you sit here today. As you sit here  
22 today, it is your recollection that you have never filed  
23 a level two grievance?  
24 A. Besides the one Pamela Havird filed, I don't  
25 recall that. I think I just let it go with the level

Page 110

1 the level two of the -- you know, I'm thinking maybe she  
2 worked off of that date. I bet you. I think that is  
3 what happened.  
4 Q. I will tell you what, we'll look at the  
5 documents later and discuss it.  
6 Have you ever pursued arbitration through the  
7 contract?  
8 A. I sure tried. I sure tried to get the union to  
9 do that. I cannot myself do it. Only the union can do  
10 it.  
11 Q. You have the right to file a level one  
12 grievance, correct?  
13 A. Yes.  
14 Q. Do you have the right to file a level two  
15 grievance if your level one grievance is not resolved  
16 satisfactorily?  
17 A. I believe I do.  
18 Q. And if your level two grievance isn't resolved  
19 satisfactorily, do you have the right to pursue  
20 arbitration or only the union can do that?  
21 A. Only the union.  
22 Q. If you aren't satisfied with the resolution of  
23 the level two grievance, you are just stuck with what  
24 happened?  
25 A. Yes. At that point, what I did was I filed a

11 (Pages 107 to 110)

Page 111

1 complaint with PERB, Public Employment Relations Board.  
2 Q. What was the subject of that complaint?  
3 A. That the union had behaved -- hadn't  
4 represented me equally with other Teachers.  
5 Q. Did you only file one complaint with PERB?  
6 A. No. I filed -- at the beginning, I filed one  
7 against the union and one against the employer. And then  
8 I filed, I believe, three others against the union.  
9 Q. When was your first PERB complaint?  
10 A. It was around February, the beginning of  
11 February 2002.  
12 Q. When was your last PERB complaint?  
13 A. I think it was the very end, November or  
14 December of 2003.  
15 Q. Have all those been resolved?  
16 A. Yes.  
17 Q. How have they been resolved?  
18 A. Every single one of them dismissed for -- just  
19 by the board agent. And then the -- I appealed a couple  
20 of them, and the board just upheld the dismissal.  
21 Q. What was the reason given for the dismissal?  
22 A. They could not find any -- any inequality in  
23 how I was treated. They could not find anything wrong  
24 with how I was treated; the board agent couldn't.  
25 And I asked to have a different board agent

Page 112

1 appointed, and they refused. And their board agents are  
2 chosen randomly, and they just defy the laws of  
3 probability up there. I just kept getting the same board  
4 agent.  
5 Q. How many board agents are there?  
6 A. Oh, maybe about 10 or something. In fact, it  
7 was -- the first board agent that it was randomly  
8 assigned to, Christine Rossi, it was mysteriously taken  
9 away from her and given to my own personal board agent,  
10 Robin Wesley. Sometimes, strangely enough, the head  
11 counsel would get them, too. So it was either Robin  
12 Wesley or the head counsel, Robert Thompson.  
13 Q. And the decision of the board agent that there  
14 was no unequal treatment was upheld whenever you  
15 appealed --  
16 A. Yes.  
17 Q. -- that decision?  
18 A. Yes.  
19 Q. And was there any rationale given for the  
20 decision on appeal?  
21 A. They just -- they couldn't see it. They  
22 couldn't see anything the board agent didn't see. They  
23 just figured, they just couldn't see anything there.  
24 Q. Did -- do you believe that the Public Employees  
25 Relations Board is somehow conspiring to deny your

Page 113

1 complaints?  
2 A. The Public Employees Relation Board works very  
3 closely with CTA. In fact, you will find Beverly Tucker,  
4 the head counsel for CTA, and Robert Thompson, the head  
5 counsel for PERB, together on a whole lot of appeals  
6 court cases, working together. They have a very close  
7 relationship.  
8 In fact, and you won't believe this, this past  
9 year when California was having such a huge budget  
10 crisis, CTA wanted to have its members be allowed to wear  
11 buttons in the classroom advertising CTA. And there was  
12 already a case right here in San Diego that said no,  
13 teachers can't wear buttons in the classroom.  
14 Are you okay?  
15 Q. Go ahead.  
16 A. We can quit if you want.  
17 Q. Did I ask to quit?  
18 A. It was just that huge yawn. That was really  
19 big.  
20 Q. I may be yawning. It doesn't mean I want to  
21 quit.  
22 A. Okay.  
23 Here in San Diego, there was an appeals case  
24 that said teachers cannot politic in the classroom. They  
25 can't wear their buttons in class. But CTA didn't like

Page 114

1 this appeals court decision; so it goes up to a different  
2 appeals court district and files with PERB and says we  
3 should be allowed to wear buttons.  
4 The PERB administrative law judge said no,  
5 there is already a case; you can't wear buttons in the  
6 classroom. The PERB board overturned the decision of its  
7 own judge and said: Well, if CTA wants to wear buttons  
8 in the classroom, they darned well should be allowed to  
9 wear buttons in the classroom, even if the San Diego  
10 appeals court says they shouldn't.  
11 So PERB used the State of California's money,  
12 at a time when there is problems in classrooms, problems  
13 in fire stations, to appeal the decision that the PERB  
14 board overturned of its own judge to wear buttons.  
15 Yes, I do believe that the PERB board and the  
16 PERB head counsel and Robin Wesley are snug in the pocket  
17 of CTA.  
18 MR. SMITH: Move to strike everything before  
19 "yes."  
20 BY MR. SMITH: -  
21 Q. When did Pamela Havird's representation of you  
22 end?  
23 A. January of 2002.  
24 Q. What was the reason that it ended?  
25 A. She had, excuse me, written a demand, as we had

Page 115

1 agreed. The district -- this is great. She had offered  
2 to settle for one year's salary in December of 2002. The  
3 district has spent that amount over and over and over  
4 again on lawyers in this case since then. The district  
5 did not even respond.

6 And she called them up, and she said: Well,  
7 you know, what did you think of my demand? And the  
8 district said: Well, we'll give her three months' pay.

9 So I told Pamela that I would not accept that.  
10 And the only thing left was to go to court. And so she  
11 didn't want to go to court. She didn't want to do that  
12 part. So that's why she quit working on the case.

13 Q. Did you authorize her to write a demand for one  
14 year's salary?

15 A. Yes.

16 Q. Would that have been a satisfactory resolution  
17 of the case for you at that point?

18 A. I believe there was something -- there might  
19 have been something else in there about some sort of  
20 retraction or an investigation, too.

21 Q. You still wanted an investigation or a  
22 retraction?

23 A. Wouldn't you if I said that you were going to  
24 kill someone and your career was destroyed and you  
25 couldn't be a lawyer anymore?

Page 116

1 Q. You can't answer a question with a question.

2 A. I thought that's what lawyers always did.

3 Q. You are not a lawyer.

4 A. I can pretend, can't I?

5 Q. You wanted a retraction or an investigation  
6 proving that you did not threaten anyone?

7 A. Well, I sure did want that. You know, and  
8 right as I sit here now, I'm trying to remember what that  
9 demand stated. It might not have stated that.

10 I think she was trying to open up discussions.  
11 And I believe that the exact words were: I am  
12 recommending that my client accept one year's salary. I  
13 think it was -- it was about two pages setting out what  
14 she thought the situation was.

15 It wasn't an exact demand. It wasn't saying,  
16 you know, you give one year's salary. We will hide your  
17 crimes. You will never hear from us again.

18 It was an attempt to begin negotiations. And  
19 when they didn't even respond, it was clear that there  
20 weren't going to be any useful negotiations.

21 Q. I thought you said that they responded with an  
22 offer of three months salary?

23 A. I told you that they did not respond but that  
24 Pamela Havird called them up, and then they said they  
25 would give three months.

Page 117

1 Q. And three months salary was not an acceptable  
2 resolution four?

3 A. Let me see. Destroy my reputation; have  
4 children, who loved me, cringe from me as I walked down  
5 the street; commit misdemeanors; violate the contract.  
6 Three months salary? No. Motion to strike everything  
7 after --

8 That was a "no."

9 Q. Oh, I got the "no."

10 A. Good. I hope you got the rest, too.

11 Q. If the school district had asked you to come  
12 back to work at any point after April 20th, 2001, would  
13 you have done so?

14 A. They did ask me to come back to work, and I did  
15 not.

16 Q. And why did you not come back to work when they  
17 asked you?

18 A. Because I was still banned from setting foot on  
19 all district property.

20 Q. You didn't think when they asked you to come  
21 back to work that that was at least implicitly revoking  
22 the ban that you come back on school district property?

23 A. As a matter of fact, I specifically and in  
24 writing asked that question.

25 Q. So your understanding was they wanted you to

Page 118

1 come back to work for the school district but to do so  
2 without setting foot on any school district property. Is  
3 that what you understood they were asking?

4 A. I asked them that question in writing. So it  
5 isn't just something I assumed.

6 Q. What was their response?

7 A. I said: This is to confirm; I'm writing to  
8 confirm that I am still banned from all district  
9 property. And there was no-response.

10 Q. So your understanding is when they said we  
11 would like you to come back to work, you understood that,  
12 you took that to mean work from some place other than the  
13 school district property?

14 A. Well, actually, I asked them. That was in  
15 September that I sent that letter that I just described  
16 to you. Then when they started talking about asking me  
17 to come back to work, I wanted it -- I really wanted that  
18 ban lifted.

19 Q. As a matter of principle?

20 A. As a matter of my own safety. When there is a  
21 ban against you on all district property, there is an  
22 understanding that the district considers you dangerous.  
23 It is -- you are definitely -- I mean, that's a big  
24 shadow, to be banned from setting foot on all district  
25 property. That is identifying you as a person that there

13 (Pages 115 to 118)



Page 119

1 is something really wrong with.  
2 Q. And you didn't understand that the ban was  
3 being lifted by them asking you to come back to work?  
4 A. It wasn't. They made it clear. I asked them  
5 specifically. I said: Obvious --  
6 Q. What --  
7 A. Please let me finish. Please. Okay. I will  
8 say this as counsel. Please let my client finish.  
9 Please. Please let me finish.  
10 I specifically asked them. I said: I  
11 assume -- and I put this in writing. I assume that if  
12 you want me to come to this specific school that the ban  
13 is lifted at that school. I said: Please confirm.  
14 Please write to me and tell me if the ban is lifted on  
15 other district property. And they -- they did not. They  
16 refused to put in writing that they were lifting the ban  
17 on other district property.  
18 Q. Did they communicate with you in any way with  
19 respect to whether the ban was going to be lifted or not?  
20 A. No.  
21 Q. And you took them ignoring your request to mean  
22 that you were still banned?  
23 A. I found that to be true. I had specific  
24 experience that summer of 2001 regarding the ban. I  
25 needed to go to my classroom to get my possessions. And

Page 121

1 anything in writing on August 13th when they told me that  
2 I was not going to be allowed to come back in the fall,  
3 even if I had a fitness-for-duty letter.  
4 They have a really, I think, dishonest and  
5 dangerous habit of not making any paper trail and then  
6 saying whatever they want. If they want to say there was  
7 a ban in effect, that's what they'll say. If they want  
8 there not to have been a ban in effect, they'll say that.  
9 This very same question was addressed in the  
10 administrative hearing and in Rick Werlin's deposition.  
11 And he could come up with nothing other than mealy-mouthed  
12 statements, about like, Well, we didn't want there to be  
13 a ban so much. We didn't really intend there so much to  
14 be a ban at that time.  
15 It became clear to me when I went there  
16 thinking that there was no ban that it was very dangerous  
17 for me to set foot on Chula Vista school property without  
18 express written permission.  
19 MR. SMITH: Move to strike as nonresponsive.  
20 Could you read the last question back.  
21 (Question read page 50, line 21 through 22.)  
22 THE WITNESS: Answer: Yes.  
23 BY MR. SMITH:  
24 Q. When was the formal decision made to terminate  
25 your employment with the school district?

Page 120

1 I called the union. I said: You know, I'm banned. How  
2 do I get my possessions? And they said: Was the ban  
3 ever placed in writing? And I said: No.  
4 And Tim O'Neal told me: Well, then, I figure  
5 anything that is not in writing doesn't exist. So I took  
6 him at his word.  
7 I made the mistake you are making now to assume  
8 that this ban was something sort of reasonable. I made  
9 the mistake you are making of assuming that they were  
10 being rational about this ban. And I went to my  
11 classroom, and I got some of my stuff.  
12 And then Rick Werlin got really angry. And he  
13 said one of his guys that was there saw me there and that  
14 I knew I wasn't supposed to be there.  
15 And one thing I found is that they don't like  
16 to put anything in writing. The amount of writing by the  
17 district in this case is, I think, troublesome. And I  
18 think it should be known by the public that they didn't  
19 put anything in writing on February 12th when they took  
20 me out. They didn't put anything in writing on April 4th  
21 when they asked me to come back. Instead, the very day  
22 that they asked me to come back, they put in writing that  
23 I was banned from setting foot on all property.  
24 And then they didn't put anything in writing  
25 when they took me out on April 20th. They didn't put

Page 122

1 A. May 7th, 2002.  
2 Q. Who in the district made the decision to  
3 terminate your employment?  
4 A. The school board.  
5 Q. What justification did the school board give  
6 for terminating your employment?  
7 A. Rick Werlin's complaint saying that I was  
8 insubordinate.  
9 Q. Is that the only justification that he gave?  
10 A. Yes.  
11 Q. In what way did Rick Werlin say you were  
12 insubordinate?  
13 A. Because, poor Rick Werlin, he really made a  
14 mess that September 2001. He demanded that I come and  
15 meet with him. And I said -- and I told the  
16 superintendent: I am not meeting alone with Rick Werlin.  
17 This is the man that made up this bizarre story about me  
18 running back and forth, jerking the entire time. And I  
19 have tried that. You can't do it. You can't. You just  
20 can't do it. And he said that I was yelling and  
21 screaming.  
22 This is when he took me to a place where there  
23 were no witnesses. He took me. He beckoned me to come  
24 out of the office, outside of the school when there was  
25 no recess. No one was outside. I was not going to meet

14 (Pages 119 to 122)

SAN DIEGO COURT REPORTING SERVICE  
319 ELM STREET, SUITE 100, SAN DIEGO, CA 92101

619-232-1164  
FAX 619-232-2616



Page 123

1 alone with him. And I was insubordinate for not meeting  
2 alone with him.  
3 Q: Were you ever asked to meet with anyone other  
4 than Rick Werlin to discuss your potential reassignment  
5 with the school district?  
6 A: Not until my pay had been stopped. And, at  
7 that time, when my pay was stopped, it was because I was  
8 on -- I had been suspended, and then I was suspended  
9 without pay. I was entitled to a full evidentiary  
10 hearing. And then I demanded a full evidentiary hearing.  
11 According to the contract, I was entitled to that,  
12 because I was suspended without pay.  
13 Q: Did you ever -- were you ever asked to meet  
14 with -- were you ever asked to attend a meeting that was  
15 going to be attended by someone other than Rick Werlin  
16 after April 20th, 2001?  
17 A: Yes.  
18 Q: On how many occasions?  
19 A: Not many. We did attend one. I remember,  
20 September 27th, there was supposed to be a meeting. And  
21 I asked the superintendent to attend, and she refused or  
22 she said she wasn't available. So I didn't attend that  
23 one. But then I did attend a meeting at the beginning of  
24 October with the superintendent and Rick Werlin.  
25 Q: Do you believe that the school board's

Page 124

1 justification for terminating your employment was a  
2 pretext?  
3 A: Yes. I had informed the school board long  
4 before that that Rick Werlin had violated the law, that  
5 he was -- he had committed a crime. The school board  
6 knew that they should have investigated him. And,  
7 instead, they just accepted a complaint, and it was  
8 written only by him. They knew there was -- I believe  
9 that the school board knew everything. They knew about  
10 the crimes.  
11 Q: And they were firing you to cover up the  
12 crimes?  
13 A: Yes.  
14 Q: Do you believe that you were insubordinate?  
15 A: No.  
16 Q: Do you think any reasonable person could look  
17 at the facts and conclude that you were insubordinate?  
18 A: No.  
19 Q: Is it your understanding that the Commission on  
20 Professional Competence concluded that you were  
21 insubordinate?  
22 A: Yes.  
23 Q: Do you believe that there was some conspiracy  
24 between the Commission on Professional Competence and the  
25 school district that caused them to reach the conclusion

Page 125

1 that you were insubordinate?  
2 A: No. I think that -- no, I don't think there  
3 was any discussion between them.  
4 I have to get this filed by noon; so I have to  
5 leave. I told you yesterday that I would be leaving at  
6 1:00 today. But, this, I need to leave earlier. And  
7 since I know you are not going to agree to reschedule  
8 this at some reasonable time, I'm just going to leave,  
9 and you can make your statement then after I leave. So I  
10 am going off the record now.  
11 Q: So you are leaving right now?  
12 (Ms. Larkins is no longer present.)  
13 MR. SMITH: It's quarter to 12:00. Ms. Larkins  
14 has just walked out after her speech there announcing the  
15 fact she agreed to be deposed up until 1:00 today. I  
16 guess we'll end it here and address it with the court.  
17 THE VIDEOTAPE TECHNICIAN: This concludes  
18 today's deposition. We are going off the record at 11:46  
19 a.m.  
20 (The deposition was adjourned at 11:46 a.m.)  
21  
22  
23  
24  
25

Page 126

1 I, the undersigned, say that I have read the  
2 foregoing deposition and hereby declare under penalty of  
3 perjury the foregoing is true and correct.  
4 Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2004,  
5 at \_\_\_\_\_,  
6 (City) (State)  
7  
8  
9 DECLARANT  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

15 (Pages 123 to 126)

Page 127

1 STATE OF CALIFORNIA )  
 ) ss

2 COUNTY OF SAN DIEGO )  
3

4 I, Bonnie Breen, CSR No. 5582, a Certified Shorthand  
5 Reporter in and for the County of San Diego, State of  
6 California, do hereby certify:

7 That prior to being examined, the witness named in  
8 the forgoing deposition was by me duly sworn to testify  
9 to the truth, the whole truth, and nothing but the truth.

10 That said deposition was taken before me at the time  
11 and place set forth and was taken down by me in shorthand  
12 and thereafter reduced to computerized transcription  
13 under my direction and supervision; and I hereby certify  
14 the foregoing deposition is a full, true and correct  
15 transcript of my shorthand notes so taken.

16 I further certify that I am neither counsel for nor  
17 related to any party to said action nor in anywise  
18 interested in the outcome thereof.

19 IN WITNESS WHEREOF, I have hereunto subscribed my  
20 name this \_\_\_\_\_ day of \_\_\_\_\_, 2004 at San Diego,  
21 California.

22

23

\_\_\_\_\_  
Bonnie G. Breen

24

25

16 (Page 127)

SAN DIEGO COURT REPORTING SERVICE  
319 ELM STREET, SUITE 100, SAN DIEGO, CA 92101

619-232-1164  
FAX 619-232-2616



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

MAURA LARKINS,

Plaintiff,

vs.

RICHARD T. WERLIN, etc.,  
et al.,

Defendants.

Case No. GIC 781970

VIDEOTAPED DEPOSITION OF LINDA WATSON  
Taken at San Diego, California  
April 30, 2004

VOLUME I

(Pages 1 through 161, inclusive)

Claudia A. Witt, CSR  
Certificate No. 10797

**COMPLIMENTARY**

Page 2

Page 4

I-N-D-E-X  
VIDEOTAPED DEPOSITION OF LINDA WATSON  
April 30, 2004

PAGE

Examination by Ms. Larkins 5

Examination by Ms. Angell 150

EXHIBITS: PAGE

1 Deposition preamble, two pages 5

2 Condensed transcript of the deposition of Ms. Watson dated 9-11-02 before the Governing Board of the Chula Vista Elementary School District, 21 pages 8

3 Summary Evaluation Report concerning Ms. Larkins dated 4-28-00, three pages 107

4 Condensed transcript of the deposition of Virginia Boyd dated 3-22-04, 17 pages 53

6 Handwritten note by Ms. Hamilton dated 2-6, one page 53

9 Handwritten notes, four pages 33

10-A Pages 51 to 54 from a condensed reporter's transcript dated 1-6-03, one page 54

10-B Pages 79 to 82 from a condensed reporter's transcript dated 1-6-03, one page 54

14 Typewritten document entitled "Maura Documentation," one page 140

20 Handwritten notes, two pages 88

22 Pages 59 to 62 from a condensed reporter's transcript dated 1-6-03, one page 136

23 Typewritten notes, one page 144

24 Handwritten notes, two pages 103

Page 3

Page 5

VIDEOTAPED DEPOSITION OF LINDA M. WATSON  
VOLUME I

Pursuant to Notice to Take Deposition, and on the 30th day of April, 2004, commencing at the hour of 10:11 o'clock a.m. at 319 Elm Street, Suite 100, in the City and County of San Diego, State of California, before me, Claudia A. Witt, Certified Shorthand Reporter in and for the State of California, personally appeared:

LINDA M. WATSON,  
Defendant herein, who, called as a witness by the Plaintiff, being by me first duly sworn, was thereupon examined as a witness in said cause.

#### APPEARANCES

For the Plaintiff: MAURA LARKINS

1935 Autocross Court

El Cajon, California 92019

(In Propria Persona)

For Robin Donlan STUTZ, ARTIANO, SHINOFF & HOLTZ  
and Linda Watson: By: KELLY R. ANGELL, ESQ.

401 West A Street, 15th Floor

San Diego, California 92101

(619) 232-3122

For Chula Vista CALIFORNIA TEACHERS ASSOCIATION  
Educators, California By: MICHAEL D. HERSH, ESQ.

Teachers Association, 11745 East Telegraph Road

Virginia Boyd and Post Office Box City 2153

Timothy O'Neil: Santa Fe Springs, California 90670

(Appeared telephonically)

Also present: Christopher Jordan, Videographer

THE VIDEOGRAPHER: This is the videotaped deposition of Linda Mae Watson being taken on behalf of plaintiff in the matter of Maura Larkins versus Richard T. Werlin, et al., San Diego Superior Court Case No. GIC781970. This deposition is being held in the offices of San Diego Court Reporting, located at 319 Elm Street, Suite 100, in San Diego, California. Today's date is April 30th, 2004. The time now is 10:11 a.m. My name is Christopher Jordan with the firm Videographics, 1901 30th Street in San Diego, California. I am the legal video specialist. The certified shorthand reporter is Claudia Witt in association with San Diego Court Reporters.

For the video record would all counsel please state their appearances, please.

MS. LARKINS: My name is Maura Larkins, plaintiff in pro per.

MS. ANGELL: Kelly Angell for Ms. Watson.

THE VIDEOGRAPHER: Mr. Hersh, if you could state your appearance, please.

MR. HERSH: Okay. Sure. Michael D. Hersh from the California Teachers Association here on behalf of Virginia Boyd, Tim O'Neil, the Chula Vista Educators, and the California Teachers Association.

THE VIDEOGRAPHER: Thank you, Counsel. The witness may now be sworn.

(The witness was sworn in at this point by the court reporter.)

EXAMINATION BY MS. LARKINS:

Q. Would you please state and spell your full name for the record.

A. Linda Mae Watson, L-i-n-d-a, M-a-e, W-a-t-s-o-n.

MS. LARKINS: Before we went on record here today, I asked Ms. Watson to read this two-page document entitled Deposition Preamble. I ask that this exhibit be marked as Exhibit 1.

(Plaintiff's Exhibit No. 1 was marked for identification.)

BY MS. LARKINS:

Q. Did you read it --

A. Yes.

Q. -- Ms. Watson?

A. Yes.

Q. Did you understand the information contained in the document?

A. Yes.

Q. Do you have any questions about having a deposition taken?

A. No.

Q. You know of no reason why you couldn't give your



Page 6

1 full and best testimony today?  
 2 A. No.  
 3 Q. Okay. Have you had your deposition taken before?  
 4 A. Yes.  
 5 Q. Was Gina Boyd in your deposition when it was taken  
 6 before?  
 7 A. No. I don't think she was. I don't remember.  
 8 MS. ANGELL: Okay. If you don't recall the  
 9 answer, just say that you don't recall.  
 10 THE WITNESS: Okay. I don't recall. I thought I  
 11 was all by myself at the Ed Center when we had the deposition.  
 12 Oh, you know what, now I do remember. She was  
 13 there.  
 14 BY MS. LARKINS:  
 15 Q. Okay. Thank you very much.  
 16 A. I remember now.  
 17 Q. Okay. Did you ask Gina Boyd to attend the  
 18 deposition?  
 19 A. I don't remember.  
 20 Q. Were you glad she was there?  
 21 A. Yes. I -- I like to be represented by the union.  
 22 Q. So she was there representing you?  
 23 A. I guess so, yes. Yes.  
 24 Q. How nice for you.  
 25 A. And she was protecting my rights as a union

Page 7

1 member.  
 2 Q. Okay. Did you discuss Jo Ellen Hamilton's  
 3 testimony with Gina Boyd before your deposition?  
 4 A. No.  
 5 Q. Did you discuss what you were going to say with  
 6 Gina Boyd before your deposition?  
 7 A. No. I don't remember talking to Gina Boyd about  
 8 it. I talked to my lawyers.  
 9 Q. Okay. Were you afraid that something that could  
 10 come out of that deposition might cause you to lose your job  
 11 or be disciplined by the school district?  
 12 A. No.  
 13 Q. Okay.  
 14 MR. HERSH: Excuse me. I'm having trouble picking  
 15 up the deponent's voice.  
 16 MS. ANGELL: While he's adjusting sound, let's  
 17 take a break real quick.  
 18 THE VIDEOGRAPHER: Off the record. The time is  
 19 10:15 a.m.  
 20 (Recess taken.)  
 21 THE VIDEOGRAPHER: We are back on the record. The  
 22 time now is 10:21 a.m.  
 23 BY MS. LARKINS:  
 24 Q. I am giving you a copy of the transcript of the  
 25 deposition which you gave for my dismissal hearing. I ask

Page 8

1 that this exhibit be marked as Exhibit 2.  
 2 (Plaintiff's Exhibit No. 2 was marked for  
 3 identification.)  
 4 BY MS. LARKINS:  
 5 Q. First I want to compliment you on your correct  
 6 memory. As you can see on Page 2 of this deposition, the  
 7 appearances page --  
 8 MS. ANGELL: Objection. This document lacks  
 9 foundation.  
 10 MS. LARKINS: I represent that this is a condensed  
 11 version of the deposition given by Linda Watson for my  
 12 dismissal hearing.  
 13 Q. Mrs. Watson, have you had a chance to look over  
 14 that document at all?  
 15 A. No.  
 16 MS. ANGELL: Please note for the record that we're  
 17 talking about a deposition -- it looks to be a deposition  
 18 transcript which purports to be approximately 81 pages which  
 19 we've just been handed in the deposition.  
 20 MR. HERSH: And if I may, I would like to, of  
 21 course, obtain copies of any documents whether they're  
 22 exhibits or not that are shown to the witness. I don't need  
 23 them today, but I would appreciate being served with a copy.  
 24 MS. LARKINS: Certainly.  
 25 Q. Okay. You recall having your deposition taken.

Page 9

1 Do you recall signing your deposition, a copy was given to  
 2 you, and you were allowed to look over it and check for  
 3 errors?  
 4 A. I don't remember. I don't remember if I did or  
 5 not.  
 6 Q. Okay.  
 7 A. I do remember that Gina Boyd was at my deposition,  
 8 and I don't know who she was representing. I don't know why  
 9 she was there.  
 10 Q. Okay. Would you just take a minute to look this  
 11 document over, just -- just the first few pages, and then  
 12 when we discuss it, if anything looks to you like it might  
 13 not be genuine, you can point it out to us.  
 14 MS. ANGELL: Mrs. Larkins, do you anticipate  
 15 asking questions about various portions of this document --  
 16 MS. LARKINS: Yes.  
 17 MS. ANGELL: -- to this witness?  
 18 MS. LARKINS: Yes.  
 19 MS. ANGELL: I would suggest that the witness  
 20 needs the opportunity to review the 80 pages, 81 pages of  
 21 this transcript in order to be able to answer questions.  
 22 Would you prefer to have her look over the document now or  
 23 maybe have her look it over on a lunch break and ask  
 24 questions about this after that? Because I'm going to ask  
 25 her to make sure that she reads it before she responds to

Page 10

1 questions about it.  
 2 MS. LARKINS: Would it be acceptable to you if I  
 3 just pointed out certain specific -- there's really not much  
 4 in here I want, certainly not the whole 81 pages, just a few  
 5 little passages. How about if I point out those passages to  
 6 you?

7 MS. ANGELL: Why don't we start with that for --  
 8 to be expeditious and give the witness the opportunity to  
 9 read the pages that you're looking into and the surrounding  
 10 pages, and I'll reserve my ability to object if it seems  
 11 appropriate.

12 BY MS. LARKINS:

13 Q. Okay. What I would like to do is, very often I've  
 14 seen in depositions the lawyer will have the witness read  
 15 something into the record. But what I'll do is I'll read  
 16 this to you just so, you know, you're keeping at an arm's  
 17 length from this material until you decide that you're ready  
 18 to answer questions for it. This is the portion I'm  
 19 interested in. It's on Page 14?

20 MS. ANGELL: Ms. Larkins, if it's possible if you  
 21 could let us know the series of pages that you'll ask about  
 22 and she could read all of them at once, so -- I think that  
 23 you've probably had plenty of opportunity to review this  
 24 document, but the client -- the witness testified that she  
 25 has not.

Page 12

1 just go ahead and just keep telling us the pages so she can  
 2 read them.

3 THE WITNESS: I don't have a Page 31 in this.

4 MS. LARKINS: Maybe it was good we did this.  
 5 Maybe you do need the extra copy. Let's see if this one has  
 6 it.

7 MS. ANGELL: Is it this?

8 THE WITNESS: I go from 27, 29 to 34.

9 MS. ANGELL: Yours skips it.

10 THE WITNESS: Mine skips it unless it's in  
 11 another --

12 BY MS. LARKINS:

13 Q. Here's that page that's missing.

14 Okay. 31, Line 8 to 32, Line 4; back to Page 18,  
 15 Line 17; Page 19, Lines 2 through 7; Page 20, Line 23 to Page  
 16 21, Line 6; Page 22, Lines 3 to 16. Also, there's something  
 17 on Page 70 which I didn't get a line for. I'll have to find  
 18 that myself. Page 22, Line 17.

19 MS. ANGELL: Is that about all of it, Ms. Larkins,  
 20 or is that just a portion of the part that you'd like to ask  
 21 questions about?

22 MS. LARKINS: I -- it is not all of it. It is a  
 23 portion.

24 MS. ANGELL: Is that about like half or a third  
 25 or --

Page 11

1 MS. LARKINS: Yes. Let me see if I can go through  
 2 and give you some specifics. It's Page 14 through page --  
 3 lines -- Page 14, Line 16 through Page 17, Line 7. Page 18,  
 4 Lines 4 through 6.

5 THE WITNESS: May I have a pen so I can kind of --

6 MS. LARKINS: Sure. Here you go.

7 THE WITNESS: All right. Would you start over,  
 8 please.

9 BY MS. LARKINS:

10 Q. Sure. On Page 14 --

11 A. Uh-huh.

12 Q. -- lines -- Page 14, Line 16 --

13 A. Okay.

14 Q. -- through Page 17, Line 7.

15 A. Okay.

16 Q. Page 18, Lines 4 through 6. Oh, here's one I  
 17 haven't found yet. I'm going to have to find this at a break  
 18 myself. I actually haven't had plenty of time to go over it.  
 19 Page 31 --

20 MS. ANGELL: I'm going to ask you not to write on  
 21 the document, please. I'll have notes here that you can look  
 22 at.

23 THE WITNESS: Okay.

24 MS. LARKINS: I can give you an extra copy.

25 MS. ANGELL: We have one. We're fine. You can

Page 13

1 MS. LARKINS: I'd say it's about two-thirds.

2 MS. ANGELL: Okay.

3 BY MS. LARKINS:

4 Q. Page 46 -- actually, I think there were a lot of  
 5 page -- all of Page 46, all of Page 47, let's just say all of  
 6 Page 48 and 49. Although I might not discuss all of it, we  
 7 might as well just go ahead and set that up.

8 Pages 54 to 56, let's just say all of it. Page  
 9 63, I'm not sure what line. Page 74, I'm not sure what line.  
 10 Page 62, I'm not sure what line. And that's it.

11 MS. ANGELL: Okay. Since you've identified areas  
 12 throughout this document, I'm going to ask that the witness  
 13 read the document so that she knows what she's looking at  
 14 before she answers questions. Would you prefer to do that  
 15 after a break or do you want to wait while she reads it now?

16 MS. LARKINS: Let's take a break.

17 MS. ANGELL: Okay.

18 THE VIDEOGRAPHER: We're going off the record.  
 19 The time now is 10:31 a.m.

20 (Recess taken.)

21 THE VIDEOGRAPHER: Back on the record. The time  
 22 now is 11:27 a.m.

23 BY MS. LARKINS:

24 Q. Okay. Now, let's see if I can remember where I  
 25 was an hour ago. I gave you the transcript of the

Page 14	Page 16
<p>1 deposition. your deposition, and we had it marked.</p> <p>2 Now -- now that you've had a chance to read it for</p> <p>3 the last hour, are you pretty confident that that is your</p> <p>4 testimony?</p> <p>5 MS. ANGELL: Objection. That mischaracterizes</p> <p>6 what's occurred. And I'll represent for the record that we</p> <p>7 were handed at this deposition a document in excess of 80</p> <p>8 pages and that there was a break when the witness had an</p> <p>9 opportunity to scan the document as opposed to reading and</p> <p>10 digesting that kind of thing. So just so that we're clear,</p> <p>11 it's not something that's been studied and poured over. It's</p> <p>12 been scanned. Okay?</p> <p>13 MS. LARKINS: Yeah.</p> <p>14 THE WITNESS: Yes.</p> <p>15 MS. ANGELL: Do you understand what question was</p> <p>16 just asked of you?</p> <p>17 THE WITNESS: Yes.</p> <p>18 MS. ANGELL: I don't. Can you read it back.</p> <p>19 THE WITNESS: Well, I agreed with what you said,</p> <p>20 Kelly.</p> <p>21 MS. ANGELL: Oh, okay. That's what I'm saying.</p> <p>22 (Page 14, Lines 2 through 4 were read back.)</p> <p>23 THE WITNESS: No. I need more time to digest</p> <p>24 this. This is too long for me to just go over in a few</p> <p>25 minutes. This happened a long time ago, and I need more time.</p>	<p>1 A. I don't exactly understand what you mean.</p> <p>2 Q. I don't need the exact year.</p> <p>3 A. What do you mean by a bilingual program?</p> <p>4 Q. Okay. When a teacher who is called a bilingual</p> <p>5 teacher, officially a bilingual teacher, is teaching a</p> <p>6 classroom that's officially called a bilingual class, I'll go</p> <p>7 ahead and call that a bilingual program even if it's just one</p> <p>8 class.</p> <p>9 Do you remember a time when a bilingual program</p> <p>10 began at Castle Park?</p> <p>11 A. There was a bilingual program started for grades K</p> <p>12 through 3, as I remember, when Oscar Perez was principal.</p> <p>13 That's when he started it.</p> <p>14 Q. Okay. The first year of the bilingual program --</p> <p>15 let me just tell you what I remember and see if you agree</p> <p>16 with me.</p> <p>17 Maura Larkins was not at the school when the</p> <p>18 bilingual program first began. Is that your recollection?</p> <p>19 A. I'm not involved in bilingual programs, so I don't</p> <p>20 remember those dates. I remember you coming either shortly</p> <p>21 after it started or at the beginning, but I don't remember</p> <p>22 exactly what we had in place before you came.</p> <p>23 Q. Do you remember the planning discussions when the</p> <p>24 staff was discussing whether or not to have a bilingual</p> <p>25 program come to Castle Park school?</p>
Page 15	Page 17
<p>1 BY MS. LARKINS:</p> <p>2 Q. Are you concerned that this document may have been</p> <p>3 altered and that is actually not what you said?</p> <p>4 A. I don't remember some of this. I don't know if it</p> <p>5 has or hasn't.</p> <p>6 Q. Okay. Let's try to find out what you do remember.</p> <p>7 MS. ANGELL: And I'll renew my objection that the</p> <p>8 document lacks authentication and foundation.</p> <p>9 BY MS. LARKINS:</p> <p>10 Q. I want to ask you a question about when Maura</p> <p>11 Larkins came to Castle Park. Do you remember the time that</p> <p>12 Maura Larkins came to Castle Park school?</p> <p>13 A. I don't remember the exact time. I don't remember</p> <p>14 the exact year. Is that what you're asking me?</p> <p>15 Q. No. I'm just -- do you remember the event?</p> <p>16 A. I remember you were hired as our bilingual teacher.</p> <p>17 Q. Yes. Had -- how long had the school had a</p> <p>18 bilingual program?</p> <p>19 MS. ANGELL: Vague and ambiguous as to time.</p> <p>20 MS. LARKINS: At that time.</p> <p>21 For how many years had there been a bilingual</p> <p>22 program at the school?</p> <p>23 MS. ANGELL: Starting when?</p> <p>24 BY MS. LARKINS:</p> <p>25 Q. When did the bilingual program begin at Castle Park?</p>	<p>1 A. There was discussions about it during staff</p> <p>2 meetings.</p> <p>3 Q. What do you remember about those discussions?</p> <p>4 A. I remember there were pro and cons. There were</p> <p>5 people that, you know, said we needed this program, there</p> <p>6 were people that felt that we didn't need it, and obviously</p> <p>7 we decided that we needed it because we had so many, you</p> <p>8 know, bilingual children that needed that help.</p> <p>9 Q. Okay. Were there some people that were quite</p> <p>10 hostile to the idea of having a bilingual program?</p> <p>11 A. I don't remember anybody being quite hostile. I</p> <p>12 don't know what quite hostile means. What does that mean?</p> <p>13 Q. Raising voices, repeating again and again</p> <p>14 negative --</p> <p>15 A. I don't remember that. I don't remember that.</p> <p>16 Q. Okay. Do you remember any of the bilingual</p> <p>17 teachers who came to Castle Park school besides Maura</p> <p>18 Larkins?</p> <p>19 A. I remember Maria Beers and Rick Ramirez and -- I</p> <p>20 can't remember the other one's name. Let's see. Those are</p> <p>21 the only ones I remember right now. I'll think about it.</p> <p>22 Oh, Lynne Del Gado. She taught kindergarten I</p> <p>23 thought.</p> <p>24 Q. As a bilingual teacher?</p> <p>25 A. Well, she was -- I think after you left she was</p>

Page 18

1 put in kindergarten as the bilingual teacher. I don't  
2 remember, but she -- no, you know what, no. Forget Lynne  
3 Del Gado. It was Rick Ramirez that they teamed together in  
4 kindergarten and Rick Ramirez was the bilingual teacher.  
5 Pardon me.

6 Q. And who is the bilingual kindergarten teacher now?

7 A. Rick Ramirez who was 1st grade.

8 Q. He was in 1st grade? And how about --

9 A. Dave Sommers.

10 Q. Dave Sommers in kindergarten?

11 A. Is in 1st grade now. They switched.

12 Q. Dave Sommers is in 1st grade and Rick is in  
13 kindergarten?

14 A. Yes. It was -- they just switched this year.

15 Q. Okay. How about at your grade level?

16 A. This year?

17 MS. ANGELL: Objection. These questions are not  
18 relevant. Ms. Larkins has not been an employee of the Castle  
19 Park Elementary School District for a number of years, and  
20 these questions are about who are teachers currently.

21 Go ahead.

22 MS. LARKINS: Okay. I'm trying to help -- I'm  
23 trying to help her remember. I thought if she remembered who  
24 was the bilingual teacher at her grade level this year, then  
25 she could go back and remember the past years if she could

Page 20

1 Q. Do you remember what happened with her employment  
2 situation?

3 A. No, I don't know what happened to her employment  
4 situation.

5 Q. Did she just stop coming to school? Is that how  
6 you recall?

7 MS. ANGELL: Objection. Relevance.

8 MS. LARKINS: I believe that this is relevant  
9 because there's been a very high percentage of bilingual  
10 teachers fired from Castle Park school, and I'm trying to  
11 find out about the circumstances by which -- you have a few  
12 people, like maybe seven people, and how two of them have  
13 been dismissed by the school board.

14 MS. ANGELL: Mrs. Larkins, what does that have to  
15 do with any cause of action alleged in the case at bar?

16 MS. LARKINS: I believe that there have been many  
17 false stories made up about my dismissal from Chula Vista,  
18 and I'm trying to get at the atmosphere at the school, the  
19 attitudes at the school, and the truth about my dismissal.

20 MS. ANGELL: There's no cause of action here  
21 related to your dismissal. The cause of action is for use of  
22 information from an arrest record against this witness, and  
23 for other defendants I believe that the remaining causes of  
24 action are a cause of action for slander against someone  
25 named Mr. Carlson, a cause of action for conspiracy to

Page 19

1 get that name.

2 THE WITNESS: You want -- okay. What do you want  
3 to know?

4 BY MS. LARKINS:

5 Q. Is Stephanie Parker Pettit a bilingual teacher?

6 A. Yes, yes. She is -- she is the 3rd grade teacher,  
7 but I thought you said prior when you were there. I thought  
8 you meant when you were teaching 3rd grade. That's why I  
9 didn't mention her name. Yes, Stephanie Pettit is our 3rd  
10 grade bilingual teacher that --

11 Q. Okay.

12 A. Yes.

13 Q. Now, do you remember someone named Michelle  
14 Tellez?

15 A. I remember her, but I didn't work with her.

16 Q. But she was a bilingual teacher at Castle Park?

17 A. Okay. You know what, you know, I really don't  
18 remember what she did. I didn't know if she was a teacher or  
19 an aide. I don't remember. I did not work with her  
20 directly.

21 Q. Do you remember a kindergarten teacher named  
22 Ms. Heather, someone who developed cancer?

23 A. Heather Smith? Yes, I remember her.

24 Q. Okay.

25 A. But I did not know she was bilingual.

Page 21

1 slander against Mr. Carlson and Ms. Donlan, and just the  
2 Labor Code violations. So I'm not -- I'm not sure what any  
3 of this has to do with your dismissal before the Commission  
4 on Professional Competence.

5 MS. LARKINS: Okay. I'll tell you what. I do  
6 want to get back to this, but I'd be happy to move on to  
7 something else right now perhaps that would be more related  
8 in your mind to the causes of action.

9 MS. ANGELL: Thank you.

10 BY MS. LARKINS:

11 Q. Okay. I really do want to come back to this. Let  
12 me put a note to myself. We're going to save Exhibit 3 for  
13 that later discussion.

14 Okay. I think this will please you. We're going  
15 to go right to September 2000. Do you recall that Maura  
16 Larkins was teaching half days at the beginning of the 2000,  
17 2001 school year?

18 A. No, I don't remember.

19 Q. Do you recall coming up to Maura Larkins at the  
20 beginning of the -- I'm kind of trying to help you jog your  
21 memory -- and saying that you were worried that she might be  
22 sick and asking her why she had been taking half days off?

23 A. Maybe. I don't remember that.

24 Q. Okay.

25 MS. ANGELL: So for clarification, is your answer

Page 22

1 yes or no?

2 THE WITNESS: My answer is no, I don't remember.

3 BY MS. LARKINS:

4 Q. But you're not denying that it could have

5 happened?

6 A. I don't remember.

7 Q. Okay. Are you certain that it didn't happen?

8 MS. ANGELL: Asked and answered.

9 MS. LARKINS: I don't remember is different. Now,

10 a person can have no memory at all, just a complete blank

11 about something, or they can be sure it didn't happen. And

12 I'd like to know which.

13 MS. ANGELL: She's already testified that she

14 doesn't remember.

15 BY MS. LARKINS:

16 Q. It's a complete blank for you?

17 A. (Witness nods head.)

18 Q. Okay. Thank you. A complete blank.

19 Okay. Do you remember something about a notebook,

20 a notebook incident?

21 A. Yes.

22 Q. Can you tell me about that?

23 A. The only thing I remember is that we were having a

24 meeting on the first day of school or first week that we were

25 back from school. It wasn't necessarily on the first day.

Page 23

1 We were meeting in the auditorium. There were tables in the

2 auditorium that had white notebooks on them, and we were told

3 to go into the auditorium for a meeting. I don't remember

4 what the meeting was for. I don't remember what the

5 notebooks were for. And I don't remember even where we were

6 supposed to sit, if we were supposed to sit with our grade

7 levels. I don't remember if we were just supposed to sit

8 wherever we wanted to. And other than that, all I remember

9 is you got very upset because your notebook was moved or you

10 thought it was moved. You accused somebody of moving it, but

11 I don't know who moved it. I don't know if it was moved. I

12 don't know anything more about it. I was not involved in

13 that.

14 Q. When you say "you got upset," did you witness

15 this?

16 A. Yes, I did. You were -- you were walking around

17 asking people if they moved your notebook.

18 MS. ANGELL: Excuse me. What time frame are we

19 talking about?

20 BY MS. LARKINS:

21 Q. I do not believe this was the first week of

22 school. Could it be possible that this was a meeting about

23 standards perhaps like in the spring of the year?

24 A. No. I remember it being when we came back from

25 school, and it was like one of those meetings that we'd have

Page 24

1 the first week back from school. That's what I remember.

2 MS. ANGELL: I'm sorry. I still didn't get the

3 answer to the question. I'm wondering what year we're

4 talking about? I think you were an employee for more than

5 one year.

6 MS. LARKINS: I'm not sure right now what year it

7 was. I'm just trying to gather some memory from your witness.

8 MS. ANGELL: Well, if you don't know what year the

9 incident is you're talking about, how is the witness supposed

10 to know?

11 MS. LARKINS: I asked her do you remember a

12 notebook incident. I'm trying to just find something in her

13 memory, and she does remember a notebook incident.

14 Q. Do you remember more than one notebook incident?

15 A. No. No.

16 Q. I think we've pretty well pinpointed that this is

17 the notebook incident. And you are sure that it was the

18 first week of school?

19 MS. ANGELL: Asked and answered.

20 THE WITNESS: No, I'm not sure if it was the first

21 week.

22 MS. ANGELL: If I make an objection --

23 THE WITNESS: I'm sorry.

24 MS. ANGELL: -- hold off.

25 THE WITNESS: Okay.

Page 25

1 BY MS. LARKINS:

2 Q. Okay. Do you -- you really -- okay. You remember

3 sitting -- were you sitting and you were watching Maura

4 Larkins walk around asking people where her notebook was?

5 A. I don't remember where I was. I don't know if I

6 was standing or sitting.

7 Q. But you do remember seeing Maura Larkins walking

8 around?

9 A. I remember that, yes.

10 Q. Do you remember anything else that happened, what

11 the conclusion of this walking around was?

12 A. No, I don't remember.

13 Q. Okay. Did you consider this to be an important

14 event?

15 A. No, I did not.

16 Q. Okay. Do you remember in approximately -- in

17 February 2001, not approximately, in February 2001 that Maura

18 Larkins was put on leave?

19 A. I don't remember when you were put on leave.

20 Q. Okay. But you do remember that I was put on

21 leave?

22 A. All I know is you weren't there. I don't know why

23 you weren't there.

24 Q. Okay. I think we really do need to refer to this

25 prior testimony. And you know, if at some future time you



Page 26

1 wish I -- further proof, we could bring in the court  
2 reporter, we can do whatever we need and prove that this is a  
3 valid document.  
4 Could you look around Page 29.  
5 MS. ANGELL: Renew the objection. Lack of  
6 foundation. Lacking authenticity of the document marked as  
7 Exhibit 2.  
8 What page?  
9 MS. LARKINS: 29.  
10 Q Line 11, could you read your answer there, those  
11 four lines into the record  
12 A. Out loud?  
13 Q. Yes, please.  
14 A. Well, before that, I knew something had happened  
15 between Maura Larkins and Jo Ellen Hamilton, but I didn't  
16 know, and I still don't know really what happened.  
17 Q. Okay. And the questioner asked you, "And how did  
18 you know that something had happened?" Could you read your  
19 answer to that question?  
20 A. On Line 17?  
21 Q. Yes.  
22 A. And "how did I know? You know, I don't even know  
23 how to answer that. You know, I guess the words -- you know,  
24 I don't even know how to answer that. She was -- I can't  
25 even think -- with people talking about it at school, but she

Page 27

1 was -- we must have talked about it. Jo Ellen must have -- I  
2 mean -- I don't know."  
3 Q. Okay. And the questioner said, "But you don't  
4 know what it was that happened?"  
5 MS. ANGELL: I'm going to object to this entire  
6 line of questioning. The document speaks for itself. We're  
7 here to talk about what Ms. Watson's memory is now I think.  
8 Do you have any question related --  
9 BY MS. LARKINS:  
10 Q. Okay. I see here that when the questioner said  
11 "but you don't know what it was that happened," you said,  
12 "No, I don't know."  
13 And the questioner said, "But sitting here today,  
14 you knew at the time, that you knew something had happened?"  
15 And you said, "I knew something had happened, and  
16 Maura Larkins wasn't at the school. She was put on leave?"  
17 A. Well, at that time maybe that's what we were told.  
18 I don't remember.  
19 MS. ANGELL: And I'll ask the witness to wait  
20 until a question is asked, please.  
21 BY MS. LARKINS:  
22 Q. Okay. So if this document is legitimate -- and  
23 you have some doubts as to whether this document is  
24 legitimate? Do you think that you said these things?  
25 A. I don't remember some of this. I -- maybe, maybe

Page 28

1 I did.  
2 MS. ANGELL: Would you like me to ask the  
3 question? Ms. Larkins, do you want me to ask the question?  
4 MS. LARKINS: Is this a joke?  
5 MS. ANGELL: No.  
6 MS. LARKINS: What are you saying?  
7 MS. ANGELL: The document that's being referred to  
8 as Exhibit 2 purports to be a copy of a deposition transcript  
9 in a matter before the Governing Board of the Chula Vista  
10 Elementary School District entitled "In the Matter of the  
11 Accusation Against Maura Larkins, Respondent, No. L-2002050728.  
12 The cover sheet of that document says Deposition of Linda  
13 Watson taken at 84 East J Street, Chula Vista, California, at  
14 9:05 a.m., on Wednesday, September 11, 2002, before a court  
15 reporter. And the cover sheet continues to purport that it's  
16 a condensed transcript.  
17 Ms. Watson, did you give testimony in a matter  
18 related to Maura Larkins at any prior time before today?  
19 THE WITNESS: Yes.  
20 MS. ANGELL: Do you know what the nature of that  
21 matter was that you were giving testimony for?  
22 Do you understand the question?  
23 THE WITNESS: Say it again, please.  
24 MS. ANGELL: Do you know if it was a lawsuit in  
25 a --

Page 29

1 THE WITNESS: Yes. It was a lawsuit alleging  
2 slander.  
3 MS. ANGELL: Are you certain that the deposition  
4 that you gave in September 11, 2002, that says that it's in  
5 the matter of the accusation against Laura -- Maura Larkins,  
6 that that was a lawsuit for slander? It says that it's  
7 before the Governing Board of the Chula Vista Elementary  
8 School District.  
9 THE WITNESS: I don't -- I don't know. I'm  
10 confused.  
11 MS. ANGELL: Okay.  
12 THE WITNESS: I don't know. I don't understand  
13 this.  
14 MS. ANGELL: But you do know that you gave a  
15 deposition at some time in the past?  
16 THE WITNESS: Yes, I did.  
17 MS. ANGELL: Thinking about the day that you gave  
18 your deposition at some time in the past, was there a court  
19 reporter present that day?  
20 THE WITNESS: Yes, there was.  
21 MS. ANGELL: Did you have an attorney there that  
22 day?  
23 THE WITNESS: Yes, I did.  
24 MS. ANGELL: Did the court reporter swear you in  
25 to tell the truth in your deposition testimony?

<p style="text-align: right;">Page 30</p> <p>1 THE WITNESS: Yes.</p> <p>2 MS. ANGELL: When you gave your deposition</p> <p>3 testimony that day, did you tell the truth to the best of</p> <p>4 your ability that day?</p> <p>5 THE WITNESS: Yes, I did.</p> <p>6 MS. ANGELL: Do you know whether or not that</p> <p>7 deposition transcript was ever provided to you afterwards for</p> <p>8 your review?</p> <p>9 THE WITNESS: I don't remember.</p> <p>10 MS. ANGELL: Okay. But you do remember that at</p> <p>11 the time that you gave the deposition testimony it was the</p> <p>12 truth to the best of your ability?</p> <p>13 THE WITNESS: Yes.</p> <p>14 MS. ANGELL: If the document that's been presented</p> <p>15 today as Exhibit 2 is in fact a copy of that deposition</p> <p>16 transcript, which we can't tell because it's unsigned and</p> <p>17 it's not certified -- let me strike that last question.</p> <p>18 Would you please look at the last page of the</p> <p>19 deposition transcript. That would be Page 80 -- 80, 81. Do</p> <p>20 you see that there's a place there for the signature of the</p> <p>21 deponent?</p> <p>22 THE WITNESS: (Witness nods head.)</p> <p>23 MS. ANGELL: Were you the deponent in this</p> <p>24 deposition?</p> <p>25 THE WITNESS: (Witness nods head.)</p>	<p style="text-align: right;">Page 32</p> <p>1 MS. ANGELL: -- purported deposition transcript,</p> <p>2 can you refer to the document, meaning look at it if you need</p> <p>3 to, based on what's actually in the document in front of you</p> <p>4 and separate that in your mind from whatever testimony you</p> <p>5 gave? Can you rely on this document and just refer to and</p> <p>6 talk about what's in front of you in this document?</p> <p>7 THE WITNESS: (Witness nods head.)</p> <p>8 MS. ANGELL: Yes?</p> <p>9 THE WITNESS: Yes.</p> <p>10 MS. ANGELL: Okay.</p> <p>11 THE WITNESS: Yes.</p> <p>12 MS. LARKINS: Thank you very much, Ms. Angell.</p> <p>13 That was a big help. I have a question about one of</p> <p>14 Ms. Watson's answers to your line of questioning.</p> <p>15 Q. Now, I can see clearly when Ms. Angell asked you</p> <p>16 if you signed this document, we can all see that nobody</p> <p>17 signed this particular document here, this signature sheet</p> <p>18 back here that was copied for me. I would like to know if</p> <p>19 you signed a similar signature sheet?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay. Okay. Well, just to be completely honest,</p> <p>22 this is a lot harder than I had imagined it would be. So I'm</p> <p>23 going to -- you know what, I'm going to need a five-minute</p> <p>24 break just to figure out a new way to approach this whole</p> <p>25 deposition. Would you agree to that?</p>
<p style="text-align: right;">Page 31</p> <p>1 MS. ANGELL: The person being deposed?</p> <p>2 THE WITNESS: Yes.</p> <p>3 MS. ANGELL: Okay. Did you sign this document?</p> <p>4 THE WITNESS: No, I didn't.</p> <p>5 MS. ANGELL: Okay. Do you have any knowledge</p> <p>6 whether or not the document actually in front of you as</p> <p>7 Exhibit 2 is a correct copy of the transcript of your prior</p> <p>8 testimony?</p> <p>9 THE WITNESS: No, I don't know if it is or isn't.</p> <p>10 MS. ANGELL: In referring to Exhibit 2 during</p> <p>11 today's deposition, will you be able to answer questions</p> <p>12 assuming that the document in front of you is a correct and</p> <p>13 accurate copy, just referring to this document that's before</p> <p>14 you and not knowing whether it's actually correct and</p> <p>15 accurate, you just say that -- that question is so bad,</p> <p>16 please strike it.</p> <p>17 THE WITNESS: No. I --</p> <p>18 MS. ANGELL: Don't answer. It was such a bad</p> <p>19 question, we had to strike it.</p> <p>20 THE WITNESS: Okay.</p> <p>21 MS. ANGELL: In your testimony today when</p> <p>22 referring to Exhibit 2 --</p> <p>23 THE WITNESS: This is Exhibit 2.</p> <p>24 MS. ANGELL: Yes, this deposition transcript --</p> <p>25 THE WITNESS: Yes, yes.</p>	<p style="text-align: right;">Page 33</p> <p>1 MS. ANGELL: Fine.</p> <p>2 MS. LARKINS: Thank you.</p> <p>3 THE VIDEOGRAPHER: We're going off the record.</p> <p>4 Off the record. The time now is 11:56 a.m.</p> <p>5 (Recess taken.)</p> <p>6 THE VIDEOGRAPHER: Back on the record. The time</p> <p>7 now is 12:03 p.m.</p> <p>8 BY MS. LARKINS:</p> <p>9 Q. Okay. What I would like to do now is to show you</p> <p>10 some documents, four pages, that purports to be notes written</p> <p>11 by you, and I would ask that this be -- I'd like that this be</p> <p>12 marked as Exhibit 9.</p> <p>13 (Plaintiff's Exhibit No. 9 was marked for</p> <p>14 identification.)</p> <p>15 BY MS. LARKINS:</p> <p>16 Q. Looking at this first page here, at first glance</p> <p>17 does this appear to be your handwriting?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Could you read the first paragraph that</p> <p>20 starts with Mon., the abbreviation for Monday, Mon. 4/16?</p> <p>21 A. Monday, 4/16, I was in Loma Verde locker room</p> <p>22 following my students' swimming lesson. Maura was coming in</p> <p>23 as I was leaving. I looked up at her and said, "Welcome</p> <p>24 back, Maura." Maura glared at me and looked the other way.</p> <p>25 I took that response as not wanting to talk to me so I didn't</p>

Page 34

1 say anything else.

2 Q. Can you now remember this incident independently

3 of these notes?

4 A. Yes, I can remember this.

5 Q. Okay. Can you tell me something about what was --

6 why would you take notes about -- about this incident?

7 A. Because there were -- okay. I was -- I was told

8 by Dr. Donndelinger that you were coming back to school and

9 that we should be friendly and, you know, cooperate, get

10 along and so forth, and so I made it a point to welcome you

11 back. And I remember saying this right in front as you're

12 walking into Loma Verde pool where there's dirt right by the

13 chain link fence. That's where our class -- our two classes

14 passed. You were coming and we were leaving, and I said,

15 "Welcome back, Maura" right to your face, and you just gave

16 me this -- this look that was not very friendly and just --

17 and then just looked the other way. You didn't say anything.

18 MS. ANGELL: Objection. Nonresponsive. Move to

19 strike.

20 BY MS. LARKINS:

21 Q. Would you please read again the first sentence of

22 this.

23 A. I was in Loma Verde locker room following my

24 students' swimming lesson.

25 Q. Thank you. So according to these notes you were

Page 35

1 in the locker room. Is it possible that your memory of the

2 fence is somewhat confused?

3 A. Okay. I don't understand why I put that first

4 sentence, because on Monday I clearly remember that this

5 incident happened as we were coming and going. I was -- when

6 I wrote this, I was very upset because of the incident that

7 happened on Friday. And I came back to my -- to the school

8 shaking. You can see by my writing. I was crying. I was

9 very upset. And I put down -- I tried to document everything

10 that had happened during that week. And that's why I may

11 have -- you know, this all related to the Loma Verde pool

12 incident, and I put things in order so that I would remember

13 them and try to understand what had happened.

14 Q. Okay. But at this point in time you are sure that

15 this is incorrect where it says "I was in Loma Verde locker

16 room"?

17 A. Yes, that is incorrect. I remember it was right

18 in front of the fence as we were passing with our classrooms.

19 Q. Okay. Okay. Now, I want to stick with this

20 Monday, April 16th.

21 MS. ANGELL: What year are you talking about?

22 MS. LARKINS: It's 2001.

23 Q. Now, you say that you wanted to welcome Maura

24 Larkins back because the principal had told you to. But

25 personally how did you feel about Maura Larkins coming back?

Page 36

1 A. I had -- I had no problem you coming back. I

2 mean, you had been gone a lot. We were happy that you would

3 come back and be with our team again.

4 Q. Okay. I'm just going to say here just -- I'm not

5 an expert at giving depositions, but I just want you to know

6 that I distinctly recall this happening inside the locker

7 room. So you know, I just want to tell you that that's --

8 that's my story is that this happened in the locker room.

9 But I'm going to -- but I think that, you know, if we just

10 kind of forget about whether it's a fence beside us or

11 lockers beside us, we can -- see if we can just try to

12 remember this interaction itself.

13 Okay. Now, when you first saw Maura Larkins what

14 did you see?

15 MS. ANGELL: Objection. Vague and ambiguous as to

16 time.

17 BY MS. LARKINS:

18 Q. In this encounter here when you said Maura was

19 coming -- well, here you say "Maura was coming in as I was

20 leaving," and I think what you want to say is that Maura was

21 coming to the pool and you were finished and you were leaving

22 the pool. I think we can work with this, this difference.

23 Do you remember the first moment you laid eyes on

24 Maura Larkins at that -- in this encounter?

25 A: Yes.

Page 37

1 Q. Okay. What was she doing?

2 MS. ANGELL: Can I just make a little statement

3 real quick. I will make a number of objections as to time,

4 vague and ambiguous as to time when it doesn't -- when you

5 don't ask a question that talks about a specific date or when

6 you like point at something. Because when we have a

7 transcript that's a piece of paper, it will be very hard to

8 cite to the piece of paper. Citing to five pages of

9 deposition testimony won't work very well.

10 So I will continue to make objections unless there

11 are specific dates associated with it. And I'll try to hold

12 off as much as possible, but for clarity's sake I'll need to

13 go ahead and continue making those objections unless you

14 decide to include dates and time frames in your questions.

15 MS. LARKINS: Well, I'll try to include dates and

16 time frames in my questions. And if I fail, I'm actually

17 appreciative of you clarifying things.

18 Q. Okay. When you first looked at her at this

19 incident which we've been talking about --

20 A. Yes.

21 Q. -- here --

22 A. Yes, yes.

23 MS. ANGELL: For the record, you need to say --

24 instead of point, because the transcript can't understand

25 pointing.

Page 38

1 MS. LARKINS: I -- please ignore my fingers.  
2 Please try not to focus on them. Let them just do whatever  
3 they're going to do and just ignore them.  
4 Could you read back the question.  
5 (The last question was read back.)  
6 BY MS. LARKINS:  
7 Q. Okay. I will -- that's all right. Just ignore my  
8 fingers. When you first looked at her during this encounter  
9 which we've been talking about here, what did you see?  
10 MS. ANGELL: Do you mean April 16, 2001?  
11 MS. LARKINS: Okay. I mean, April 16th, 2001, and  
12 I would prefer not to have to say April 16th, 2001, in every  
13 single question until I'm finished talking about this  
14 encounter. So April 16th, 2001 is the date for all my  
15 questions until I tell you that we're changing dates.  
16 MS. ANGELL: Great.  
17 Do you understand?  
18 THE WITNESS: Yes.  
19 BY MS. LARKINS:  
20 Q. Okay. What did you see when you first saw Maura  
21 Larkins in this encounter?  
22 A. Okay. On Monday you were bringing your children  
23 to the pool as we were leaving because we had our lessons  
24 first. We were passing right by the side of Loma Verde pool  
25 where the chain link fence was where the dirt meets the

Page 39

1 pavement, and that was the first time I saw you that day on  
2 your return. And you looked up and I looked up and our eyes  
3 met, and I said, "Welcome back, Maura." That is all I said.  
4 And you just ignored -- you just kind of glared at me and  
5 then you looked the other way. You didn't say anything, and  
6 I continued to walk with my children back to Castle Park.  
7 That's all that happened on Monday.  
8 Q. Okay. Thank you. So this was pretty much an  
9 instantaneous event or did you -- were you looking at Maura  
10 Larkins for 10 seconds? 20 seconds?  
11 A. No. It was just being friendly and welcoming you  
12 back.  
13 Q. This was a very short encounter. Are you saying  
14 this was a very short encounter?  
15 A. Yes. It was short because I only said, "Welcome  
16 back, Maura," and you said nothing.  
17 Q. Okay. And -- okay. So this probably lasted  
18 three, four, five seconds?  
19 A. Yes.  
20 Q. Okay. Okay. How did you feel after that?  
21 A. I didn't feel good because I thought you were  
22 ignoring me and you were not being friendly.  
23 Q. Okay. Did you think that I suspected you of  
24 having some involvement in my being put on leave?  
25 A. I don't know what you were thinking.

Page 40

1 Q. You weren't worried about that?  
2 MS. ANGELL: Asked and answered.  
3 MS. LARKINS: No, I'm not asking her what I was  
4 thinking. She hasn't answered the question.  
5 THE WITNESS: I thought that's what you were  
6 saying.  
7 BY MS. LARKINS:  
8 Q. No, no. I don't want you -- I'm not asking you  
9 what I was thinking. I'm asking you if you were worried  
10 about that possibility?  
11 A. No.  
12 Okay. Ask me the question again, what possibility?  
13 Q. Were you worried that Maura Larkins might be  
14 thinking you were responsible for her being put on leave?  
15 A. Maybe. I didn't know what you were thinking.  
16 Maybe -- maybe you were. I don't know. I didn't know what  
17 you were feeling because you weren't expressing anything.  
18 You weren't talking.  
19 Q. So is that a worry that might have flittered  
20 through your mind?  
21 MS. ANGELL: If you remember.  
22 THE WITNESS: I don't -- I don't know. I don't  
23 remember. I really don't. It was so long ago.  
24 BY MS. LARKINS:  
25 Q. Okay. I'd like to refer to Exhibit 2, Page 31.

Page 41

1 A. Exhibit 2, Page 31?  
2 Q. Uh-huh. Page 31, Line 5. According to this  
3 transcript the questioner asked you, "On that Monday at the  
4 pool when you got no response from Maura Larkins, did you  
5 consider that to be rude?"  
6 MS. ANGELL: And I'm going to object to this  
7 entire line of questioning on relevance. This is not  
8 reasonably calculated to lead to the discovery of admissible  
9 evidence with regard to causes of action for violation of  
10 Labor Code and slander by Mr. Carlson and conspiracy to  
11 slander by  
12 Ms. Colls.  
13 BY MS. LARKINS:  
14 Q. Would you please read your answer which begins on  
15 Line 8.  
16 A. I considered it to be rude, but in hindsight, you  
17 know, she may not have even heard me." She may not have  
18 even -- "she may not have even heard me say it. You know,  
19 I'm walking with kids, she's going this way, and I'm going  
20 this way. If she didn't hear that, she could have said,  
21 "Well, I didn't hear you say that to me," instead of calling  
22 me a liar, and I'm delusional and all of the other bad names  
23 she called me. It was not an appropriate response.  
24 Q. Okay. So now, here when you say -- you say that  
25 Maura Larkins called you a liar and delusional, it didn't

Page 42

1 happen at this very time.  
 2 A. No. It --  
 3 Q. It happened some other time.  
 4 A. No. It happened on Wednesday.  
 5 MS. ANGELL: Wednesday what?  
 6 BY MS. LARKINS:  
 7 Q. We haven't changed to Wednesday yet. We're still  
 8 on Monday. We're still on Monday, April 16th.  
 9 MS. ANGELL: Be careful to listen to the question  
 10 that Mrs. Larkins is asking and only answer that question.  
 11 THE WITNESS: Okay  
 12 BY MS. LARKINS:  
 13 Q. Okay. Here you're saying something which is  
 14 actually quite charitable and pathetic here. You know, I  
 15 considered it to be rude, but in hindsight she may not have  
 16 even heard me. And then you go on here and say "if she  
 17 didn't hear that, she could have said, 'Well, I didn't hear  
 18 you say that to me,' instead of calling me a liar, and I'm  
 19 delusional and all these other bad names she called me."  
 20 Okay. What I'm asking you is, did Maura Larkins  
 21 call you these names on Monday, April 16th?  
 22 A. No.  
 23 Q. These names you claim she called you on some other  
 24 date?  
 25 A. Yes.

Page 43

1 Q. And you claim that that date was Wednesday?  
 2 A. Yes.  
 3 Q. Okay. Let's move our questioning to Wednesday,  
 4 April 18th, 2001. Okay. Why don't you -- never mind. I  
 5 want to keep these dates straight.  
 6 MS. ANGELL: Again, I'll renew my objection to  
 7 this entire line of questioning. It is not reasonably  
 8 calculated to lead to the discovery of admissible evidence in  
 9 the case at bar.  
 10 BY MS. LARKINS:  
 11 Q. Okay. Well, I am going to ask about a different  
 12 date. I'm not going to talk right now about Wednesday,  
 13 April 18th. I want to talk about Tuesday, April 17th, 2001.  
 14 You have a notation here in the middle of this page, Tuesday  
 15 4/17?  
 16 A. Yes.  
 17 Q. Could you read what you wrote for that date.  
 18 MS. ANGELL: What exhibit are you referring to?  
 19 MS. LARKINS: This is Exhibit 9.  
 20 MS. ANGELL: Thank you.  
 21 MS. LARKINS: Thank you.  
 22 THE WITNESS: Tuesday, April 17th, 2001. "It  
 23 seemed obvious that Maura was avoiding me. So I didn't have  
 24 any reason to talk to her so we didn't say anything to each  
 25 other."

Page 44

1 BY MS. LARKINS:  
 2 Q. Okay. So you had come to the conclusion that  
 3 Maura was avoiding you. Is that true?  
 4 A. Yes.  
 5 Q. And do you still believe that to be true?  
 6 A. I don't understand.  
 7 Q. Okay. Do you believe you were correct when you  
 8 made this -- when you came to this conclusion?  
 9 A. Yes.  
 10 Q. Okay. And was your reason because you felt that  
 11 she had -- Maura Larkins had snubbed you the day before?  
 12 MS. ANGELL: Again, objection. This is totally  
 13 irrelevant and not calculated to lead to the discovery of  
 14 admissible evidence.  
 15 Ms. Watson, please answer to the extent that you  
 16 remember.  
 17 THE WITNESS: Ask me the question again, please.  
 18 MS. LARKINS: I forget the question. Could you  
 19 read it.  
 20 THE WITNESS: Me too.  
 21 (The last question was read back.)  
 22 THE WITNESS: I don't remember. I mean, I just  
 23 stated that we did not have a conversation on Tuesday when  
 24 we -- when our classes passed, neither one of us said  
 25 anything. I don't remember what I was thinking or what

Page 45

1 conclusion or anything I came to.  
 2 BY MS. LARKINS:  
 3 Q. Okay. So you don't remember what your reasons  
 4 were for concluding that Maura was avoiding you?  
 5 MS. ANGELL: Asked and answered.  
 6 MS. LARKINS: I really would appreciate -- I  
 7 really need this to be -- to be clear.  
 8 Q. You don't remember why you came to this  
 9 conclusion. Is that correct?  
 10 MS. ANGELL: Objection. Asked and answered.  
 11 THE WITNESS: Do I have to answer it? I don't --  
 12 I mean, that's what went through my mind. I thought that --  
 13 that you were mad, upset. I don't know -- I didn't know  
 14 what your feelings were. I still don't know what your  
 15 feelings were.  
 16 All I know is that you did not respond to me, and  
 17 you never talked to me when we walked by. You didn't greet  
 18 me on Tuesday when we passed. You didn't say hello to me,  
 19 and I didn't say anything to you. It was very odd.  
 20 BY MS. LARKINS:  
 21 Q. Do you recall passing Maura Larkins on Tuesday?  
 22 A. Yes, I do.  
 23 Q. Where did this take place?  
 24 A. At the same place. It was right as you were  
 25 coming in, we were going out, exactly the same as Monday.



Page 46

1 Q. At --  
2 A. But on Tuesday neither one of us said anything to  
3 one another  
4 Q. Okay. So are you telling me that it was the two  
5 days of -- when you believe that Maura Larkins did not say  
6 hello to you -- by the way, my testimony will be that I said  
7 "Hi, Linda" on Monday, and I do not recall seeing you on  
8 Tuesday.  
9 MS. ANGELL: Objection to plaintiff's giving  
10 testimony on the record and move to strike. This is the  
11 deposition of Linda Watson, not the deposition of Maura  
12 Larkins.  
13 MS. LARKINS: That's fine with me. I just -- one  
14 of the things I like to do is to kind of go along with the  
15 deponent's story so they can tell their story, and I just  
16 want to make it clear that when I say okay, this happened and  
17 this happened and this happened, that doesn't mean that I am  
18 accepting that this is what happened.  
19 MS. ANGELL: Understood.  
20 Do you understand that, Ms. Watson?  
21 THE WITNESS: Yes.  
22 BY MS. LARKINS:  
23 Q. Okay. So you have given two reasons why you came  
24 to this conclusion that Maura was avoiding you, because you  
25 didn't believe Maura had spoken to you when you encountered

Page 47

1 her on Monday and because you believe that you encountered  
2 her on Tuesday and she didn't speak to you.  
3 MS. ANGELL: Actually, I believe the testimony was  
4 that she doesn't remember today what she was feeling  
5 three years ago and that she was guessing at what might have  
6 occurred three years ago. I think that's the accurate  
7 reflection of the testimony.  
8 THE WITNESS: Yes.  
9 MS. ANGELL: Yes what?  
10 THE WITNESS: I agree to that statement that  
11 Ms. Angell said. I do not remember how I was feeling  
12 three years ago.  
13 BY MS. LARKINS:  
14 Q. Okay. I think we have enough on that. Let's see.  
15 You know what, I'm kind of getting interested in -- we seem  
16 to have such a problem with memory here that I think maybe we  
17 should just go a little further into the nitty-gritty of this  
18 case. Here it is.  
19 Okay. Have you ever at any time been concerned  
20 that Maura Larkins might have a gun?  
21 MS. ANGELL: You mean other than attorney-client  
22 privileged communications?  
23 MS. LARKINS: If you're only concerned when you're  
24 talking to your lawyer, then --  
25 MS. ANGELL: Do you want me to restate it

Page 48

1 differently?  
2 MS. LARKINS: -- you don't have to tell me about  
3 that.  
4 MS. ANGELL: Sorry. Was I unclear? Do you want  
5 me to say it differently?  
6 MS. LARKINS: Sure. Go ahead.  
7 MS. ANGELL: I want to make sure that we're  
8 differentiating between -- I think that you're asking about  
9 any fears that she might have had related to a weapon of some  
10 sort, and I want to clarify that the question that you're  
11 asking the witness asks for information outside of anything  
12 that would have been discussed between her and an attorney.  
13 MS. LARKINS: Oh, no, I don't think so. Just  
14 because -- you don't get to hide information just because you  
15 discussed it with your attorney. I mean, I'm an elementary  
16 school teacher; but even I know that.  
17 MS. ANGELL: If you're asking --  
18 MS. LARKINS: If you tell your attorney "oh, I  
19 killed this guy and then I killed that guy and then I killed  
20 the other guy, whew, now I'm out free because I never have to  
21 admit I because I told my attorney," that's not how it works.  
22 MS. ANGELL: If you're asking for information that  
23 was discussed between or learned from counsel, I object and  
24 raise attorney-client privilege and instruct the witness not  
25 to answer.

Page 49

1 If you're asking for information that is separate  
2 and apart from things -- information learned from an  
3 attorney, then of course, the attorney-client privilege I  
4 don't think would be applicable to that question. I just  
5 want to clarify what you're asking.  
6 BY MS. LARKINS:  
7 Q. Okay. Before you ever met Ms. Angell or  
8 Mr. Bresee or Mr. Shinoff or any other attorney that you  
9 might have discussed any of these matters with, were you ever  
10 afraid that Maura Larkins might have a gun?  
11 A. No, never.  
12 Q. Did you at any time before you met these attorneys  
13 fear that Maura Larkins might kill you?  
14 A. I was afraid of Maura Larkins because of some of  
15 the statements she had made and the incident with my son that  
16 made me fearful, not necessarily you're going to kill me. I  
17 didn't know what was going to happen, but it made me feel  
18 very uncomfortable.  
19 Q. Thank you. Did you think that Maura Larkins'  
20 killing you was a possibility?  
21 A. Yes, because at the time there were many violent  
22 things going on in the world like school shootings and things  
23 like that.  
24 Q. Okay. When Maura Larkins was on leave after  
25 February 12th, 2001, and according to this transcript --

Page 50

1 we'll someday find out if it's accurate or not -- you believe  
 2 that it had something to do with Jo Ellen Hamilton.  
 3 MS. ANGELL: Are you referring to Exhibit 2?  
 4 MS. LARKINS: Yes, thank you. I'm referring to  
 5 Exhibit 2.  
 6 Q. Okay. In this transcript you say that you believe  
 7 that Maura Larkins was put on leave on February 12, 2001  
 8 because of something to do with Jo Ellen Hamilton.  
 9 MS. ANGELL: Objection. That mischaracterizes the  
 10 testimony. I believe the testimony is that she wasn't sure  
 11 and she assumed that it had something to do with that, I  
 12 think. What page are you on?  
 13 MS. LARKINS: Page 30.  
 14 MS. ANGELL: See Line 12?  
 15 MS. LARKINS: See Line 11. She said, "I guess so  
 16 I mean, yes." And then you're correct. In Line 12 she says  
 17 "I don't know." So we have several answers and we don't know  
 18 exactly how to interpret them. It will be up to a jury to  
 19 interpret them.  
 20 Q. Okay. Did you ever ask Gretchen Donndelinger if  
 21 Maura Larkins had a gun?  
 22 A. No. Oh -- I don't remember. I don't -- I don't  
 23 remember. I may have been concerned about that. I may have  
 24 asked her that.  
 25 Q. What would cause you to worry about that?

Page 51

1 A. Because of the statement that you had made to  
 2 Kathy Bingham in the hallway.  
 3 Q. Yes, tell us about that statement.  
 4 A. You apparently were walking down the hallway and  
 5 met Kathy Bingham, and your statement was "Kathy, you'll be  
 6 all right" and just walked on and didn't say anything more  
 7 and Kathy didn't say anything more to you.  
 8 And then that was so odd and Kathy was wondering  
 9 about that, and in a conversation we had she relayed that to  
 10 me and I relayed that to my son who at the time was in high  
 11 school, La Jolla High School. And he just looked at me and  
 12 said, "Mom, she just threatened you." And I said, "What do  
 13 you mean?" And he said, "She was telling Kathy that she  
 14 would be all right but that the rest of you were all going to  
 15 die or have something happen to you." And I just -- I was  
 16 just stunned. I hadn't even thought of that. That didn't --  
 17 had not even come into my mind until my son said that, and it  
 18 just -- it just made me feel sick to my stomach.  
 19 And you have to remember, this was after the  
 20 Santana shootings, the one in Colorado and -- Columbine, and  
 21 he had been counseled at school on lots of violence  
 22 awareness, and it was a very timely situation, and it did  
 23 make me very fearful.  
 24 Q. Okay. So you had hearsay that Maura Larkins had  
 25 said you're going to be all right, and then you thought that

Page 52

1 Maura Larkins might harm you with a gun?  
 2 MS. ANGELL: Objection. Misstates the testimony.  
 3 Again, I renew my objection that this is not reasonably  
 4 calculated to lead to the discovery of admissible evidence.  
 5 BY MS. LARKINS:  
 6 Q. Do you -- at this point in time do you feel that  
 7 your reaction was a reasonable one?  
 8 A. I felt like my reaction was a reasonable one  
 9 because you were acting so irrationally, and we couldn't  
 10 communicate with you, and I didn't know what you were going  
 11 to do next or what you were capable of. But I didn't dwell  
 12 on a gun. I don't even -- you know, I may have just asked  
 13 that, but that wasn't something I was -- you know, I don't  
 14 know. It was -- it was very odd. It was odd behavior.  
 15 Q. Okay. Okay. You just said that Maura Larkins was  
 16 acting irrationally. Can you tell us more about that.  
 17 MS. ANGELL: Objection. Calls for a narrative.  
 18 MS. LARKINS: Okay. I'd like to take a break.  
 19 Would that be all right with you?  
 20 MS. ANGELL: Sure.  
 21 THE VIDEOGRAPHER: We're going off the record.  
 22 The time now is 12:35 p.m.  
 23 (Recess taken.)  
 24 THE VIDEOGRAPHER: Back on the record. The time  
 25 now 12:41 p.m.

Page 53

1 BY MS. LARKINS:  
 2 Q. Okay. I would like to ask that this document  
 3 which is a condensed version of the deposition of Virginia  
 4 Boyd which was taken on March 22nd, 2004, here in these  
 5 offices, I'd like to have this marked as Exhibit 4, and I'd  
 6 like to give a copy to you, Ms. Watson, and to you, Ms. Angell.  
 7 (Plaintiff's Exhibit No. 4 was marked for  
 8 identification.)  
 9 MS. LARKINS: Okay. I'd like to give one to  
 10 myself too.  
 11 MS. ANGELL: I'm sorry, you said Exhibit 4?  
 12 MS. LARKINS: Yes. Okay.  
 13 MS. ANGELL: Mr. Hersh, are you with us?  
 14 MR. HERSH: I am.  
 15 MS. LARKINS: Just to get some documents out there  
 16 and then I'll try to get them all discussed. Let's see, I  
 17 want to make sure I discuss Exhibit 4.  
 18 I would also ask that this next exhibit which is  
 19 some handwritten notes by Jo Ellen Hamilton be marked  
 20 Exhibit 6.  
 21 (Plaintiff's Exhibit No. 6 was marked for  
 22 identification.)  
 23 BY MS. LARKINS:  
 24 Q. Okay. I'm also -- I'm going to do some more  
 25 exhibits too. I think it will all come together better if we

Page 54

1 have everything out here and I can easily refer to everything.  
2 Okay. I would like to ask that this exhibit be  
3 marked as Exhibit 10-A. This is Pages 51 to 54 of the  
4 transcript of Maura Larkins' administrative hearing.  
5 MS. ANGELL: Do you have a complete copy of that  
6 transcript here?  
7 MS. LARKINS: No, I don't.  
8 MS. ANGELL: And what administrative hearing are  
9 you referring to?  
10 MS. LARKINS: The administrative hearing on  
11 January 6th, 2003, in the matter of Maura Larkins, the very  
12 one for which Exhibit 2 was taken.  
13 MS. ANGELL: And what was the nature of that  
14 administrative hearing?  
15 MS. LARKINS: The dismissal of Maura Larkins from  
16 employment from Chula Vista Elementary School District.  
17 Okay. 10-A.  
18 (Plaintiff's Exhibit No. 10-A was marked for  
19 identification.)  
20 MS. LARKINS: The next one is called -- I would  
21 ask that the next one be marked 10-B because this is Pages 79  
22 through 82 of the same matter for -- as was document for -- a  
23 document for 10-A. This is 10-B.  
24 (Plaintiff's Exhibit No. 10-B was marked for  
25 identification.)

Page 55

1 MS. LARKINS: Okay. I would ask that this next  
2 exhibit be marked Exhibit 22. Oh, dear.  
3 MS. ANGELL: Do any other exhibits between 10 and  
4 22 have subparts, you know how 10 had A and B?  
5 MS. LARKINS: Oh, no, that was the only one.  
6 Okay. Now, why can't I find 22. Well,  
7 then strike that. I am not going to give you 22 now because  
8 I'm going to have to look for it. Okay. I'm hoping that  
9 these exhibits will make our job a little bit easier.  
10 Q. Okay. On April 20th, 2001, did you make a  
11 complaint to Gretchen Donndelinger and Richard Werlin about  
12 Maura Larkins?  
13 MS. ANGELL: Again, objection to this line of  
14 questioning. It is not reasonably calculated to lead to the  
15 discovery of admissible evidence on the causes of action in  
16 front of this court.  
17 THE WITNESS: I made a complaint to Gretchen  
18 Donndelinger. I don't remember if I called Rick Werlin on  
19 that day.  
20 BY MS. LARKINS:  
21 Q. Okay. Do you recall a meeting which took place on  
22 that day after school which included you and Rick Werlin?  
23 A. This was a day that I came back from Loma Verde  
24 pool and was very upset, and I had to go home because I was  
25 so emotionally upset. So I --

Page 56

1 Q. I can help you out here a little bit I think.  
2 A. I can't remember if the --  
3 Q. Yeah. Okay. I think we might be a little  
4 confused on dates here. Monday was the day that you felt  
5 that you had been snubbed by Maura Larkins. That was --  
6 MS. ANGELL: Objection. Misstates the testimony.  
7 BY MS. LARKINS:  
8 Q. Okay. Monday was the day that you believe that  
9 Maura Larkins didn't speak to you. That was the 16th.  
10 MS. ANGELL: Of 2001?  
11 MS. LARKINS: Of 2001.  
12 Q. Then the 17th, Tuesday, according to your own  
13 notes, that was another day when you believed that Maura  
14 Larkins didn't speak to you even though she was close to you.  
15 Okay. Then Wednesday, the 18th, I think earlier  
16 you were saying that was the day that you felt that you were  
17 called a liar and delusional, and that was the day that you  
18 went home?  
19 MS. ANGELL: I don't recall the testimony on that  
20 but I -- exactly, but I think that misstates the testimony.  
21 I don't think we got to that date. We didn't have testimony  
22 on the 18th.  
23 MS. LARKINS: I think it was when we were talking  
24 about the 16th that Ms. Watson said that happened, talked  
25 about Wednesday.

Page 57

1 MS. ANGELL: Objection. Misstates the testimony  
2 concerning the events of the 18th. We can certainly explore  
3 the events of the 18th of 2001.  
4 THE WITNESS: That's right. On Wednesday --  
5 Wednesday was the day that I was so upset I had to go home,  
6 and Friday was the day we had the meeting with Rick Werlin,  
7 yes.  
8 BY MS. LARKINS:  
9 Q. Okay.  
10 A. That's right.  
11 Q. So you do recall a meeting with Rick Werlin on  
12 Friday, April 20th, 2001?  
13 A. Actually, I know we had a meeting, and I'm just --  
14 I want to make sure that Rick Werlin was there. I -- I don't  
15 remember. I assume he was there. I don't remember.  
16 Q. Okay. Do you recall that Maura Larkins never  
17 worked at Castle Park school again after April 20th?  
18 MS. ANGELL: Object. Let me just take that right  
19 back.  
20 THE WITNESS: I don't believe you did come back  
21 after that.  
22 BY MS. LARKINS:  
23 Q. And do you understand that the reason was because  
24 you and someone else made a complaint about Maura Larkins?  
25 A. I didn't know why you were put out on leave.

Page 58

1 Q. After -- okay. Now, let me be clear here. I'm  
2 not talking about February 12th. I'm talking about April  
3 20th, 2001. You recall that you had a meeting with Rick  
4 Werlin on that day or you don't?  
5 MS. ANGELL: Asked and answered.  
6 BY MS. LARKINS:  
7 Q. Okay. Let's look at your own notes here. You  
8 might believe your own handwriting. On the -- this page that  
9 is Bates stamped with a 03 here?  
10 MS. ANGELL: Of Exhibit number?  
11 MS. LARKINS: Of Exhibit 9. Thank you.  
12 THE WITNESS: Excuse me. What? Where?  
13 BY MS. LARKINS:  
14 Q. Yeah, this one that says -- yeah, this is it. At  
15 the bottom it says Friday at 10:45? Could you just read  
16 those three lines there.  
17 A. At 10:45 Gretchen told me that we would meet as a  
18 team with Rick Werlin at 2:30.  
19 Q. Okay. So does that help refresh your memory at  
20 all?  
21 A. I guess so. Yeah, I guess we met. I don't --  
22 Q. But you don't have any present -- at present you  
23 don't have a clear --  
24 A. I want to make sure I'm remembering exactly what  
25 happened, and I -- I assume that we met, but I don't -- I

Page 59

1 know there was a meeting. I know that Gina was -- Gina was  
2 out of town for one of the meetings, so I just can't remember  
3 who was there at that meeting.  
4 Q. Okay.  
5 A. Because I was very upset at that point also.  
6 Q. Is there -- okay. Well, that's -- yeah. That's  
7 good. You remember that Gina was out of town. So it sounds  
8 like you are starting to remember this -- this meeting.  
9 MS. ANGELL: Excuse me. That misstates the  
10 testimony. What she said is she remembered that Gina Boyd  
11 was out of town for some meeting. She didn't remember which  
12 meeting it was.  
13 THE WITNESS: That's right. That's why I don't  
14 remember who was at what --  
15 MS. LARKINS: All I --  
16 THE WITNESS: -- meeting.  
17 BY MS. LARKINS:  
18 Q. No. All I said was Gina Boyd was out of town.  
19 And this meeting took place at Castle Park school, right?  
20 A. There was a meeting on Friday afternoon at Castle  
21 Park Elementary School, but I don't remember who was at that  
22 meeting.  
23 Q. But you do remember Gina Boyd wasn't there.  
24 A. No, I don't remember if Gina Boyd was at -- if she  
25 was out of town for the Wednesday meeting or for the Friday

Page 60

1 meeting.  
2 Q. Tell me about the Wednesday meeting.  
3 MS. ANGELL: Objection. Calls for a narrative.  
4 BY MS. LARKINS:  
5 Q. Okay. Did you have a meeting with -- on Wednesday?  
6 A. Yes.  
7 Q. Who was at the meeting?  
8 MS. ANGELL: Do you mean Wednesday, April 18th,  
9 2001?  
10 MS. LARKINS: Yes, thank you.  
11 THE WITNESS: I remember coming back from the  
12 pool, and the first person I remember right now that I talked  
13 to was Maria Beers and going to Gretchen Donndelinger and  
14 meeting with them in regard to what happened at Loma Verde  
15 pool that day.  
16 BY MS. LARKINS:  
17 Q. Okay. So you remember meeting with Maria Beers  
18 and Gretchen Donndelinger.  
19 A. Yes. And I believe Gina Boyd was called that day,  
20 but I can't remember if she was there or not. I believe she  
21 was there.  
22 MS. ANGELL: Again, I'm objecting to this line of  
23 questioning as not reasonably calculated to lead to the  
24 discovery of admissible evidence. All this stuff about  
25 incidents at the pool and meeting with union reps, same

Page 61

1 objection.  
2 BY MS. LARKINS:  
3 Q. When you walked back to school from the pool on  
4 Wednesday, April 18th, 2001, were there -- was Richard Denmon  
5 with you?  
6 A. Yes.  
7 Q. Were -- do you remember your -- your encounter  
8 with Maura Larkins on that day?  
9 A. Yes.  
10 Q. You remember that clearly?  
11 A. Very clearly, yes.  
12 Q. Okay. When you were talking to Maura Larkins,  
13 were you crying?  
14 A. No, not at the pool. It wasn't until I got back  
15 to school that I was crying.  
16 Q. Or was it just when you got back to school that  
17 you started to cry or on the way back?  
18 A. I don't remember. I don't remember.  
19 Q. Okay. And did you discuss with Richard Denmon  
20 what had transpired between you and Maura Larkins?  
21 A. Mr. Denmon knew that -- that there were words  
22 exchanged. He knew that something was going on that --  
23 Q. I'm not asking you what Mr. Denmon knew. I'm  
24 asking you if you talked to him.  
25 A. I probably talked to him, but I don't remember

Page 62

1 what I said.

2 Q. Okay. Do you recall that the summer following  
3 this week that you -- we have been discussing, this week from  
4 April 16th to the 20th, 2001, you were called by Rick Werlin  
5 and asked to come to the district and tell Maura Larkins  
6 to -- face to face what your allegation against her had been?

7 MS. ANGELL: Objection. This is totally  
8 irrelevant to the causes of action in the case at bar. We're  
9 here to talk about allegations of use of information from a  
10 record of arrest. We're not here to talk about your  
11 dismissal, about your behavior leading to your dismissal, any  
12 of that, but we're here to talk about this witness's having  
13 information from an alleged record of arrest. And this stuff  
14 about meetings with Mr. Werlin and in particular the last  
15 question is irrelevant and not reasonably calculated to lead  
16 to the discovery of admissible evidence on the causes of  
17 action that remain alive.

18 Although you attempted to sue on negligence and  
19 other theories related to your investigation related to your  
20 dismissal from employment, those causes of action are  
21 dismissed without leave to amend. So therefore, we have a  
22 narrower scope of discovery, and I'd really appreciate and  
23 wouldn't have to object so much if we could limit the  
24 questions to something reasonably calculated to lead to the  
25 discovery of admissible evidence in this case for causes of

Page 64

1 and state your allegations against Maura Larkins face to face?

2 MS. ANGELL: Same objection.

3 THE WITNESS: Yes. But it was as a forum. It  
4 wasn't to state allegations. It was to -- I thought it was  
5 just to talk to you. I don't know what it was really for.

6 BY MS. LARKINS:

7 Q. Okay. Did you think that it was appropriate that  
8 Maura Larkins never heard the allegations you had made about  
9 her?

10 MS. ANGELL: Objection. Assumes facts not in  
11 evidence. Calls for speculation. Lacks relevance.

12 BY MS. LARKINS:

13 Q. Did you ever tell Maura Larkins what your  
14 allegations against her during the week of April 16th to 20th,  
15 2001 were?

16 MS. ANGELL: Objection. Not reasonably calculated  
17 to lead to the discovery of admissible evidence.  
18 Mischaracterizes the testimony regarding calling things  
19 allegations.

20 THE WITNESS: I don't know what allegations, what  
21 you're talking about.

22 BY MS. LARKINS:

23 Q. You made a complaint about Maura Larkins on  
24 April 20th, 2001, to Gretchen Donndelinger and Rick Werlin?

25 A. I just stated what had happened. I stated exactly

Page 63

1 action that exist.

2 MS. LARKINS: Okay. Thank you, Ms. Angell. I  
3 believe that these questions I am asking are relevant to this  
4 case. And you can tell your client to stop answering  
5 questions at any time. And I really don't think you need to  
6 keep repeating and repeating the same objection. I think  
7 that the judge -- you know, if he thinks that this is  
8 irrelevant, he'll throw it out. And I already had to pay for  
9 a whole hour for you guys to read a deposition, and I really  
10 think it's just basically a waste of time to just keep saying  
11 the whole thing over and over. Why don't you say just  
12 objection, irrelevant, because I have to pay for all those  
13 words that you say.

14 MS. ANGELL: Mrs. Larkins, you can stop the  
15 deposition at any time you want. This is your opportunity to  
16 ask questions of this witness. If you don't want to pay for  
17 it, you can stop it.

18 MS. LARKINS: I know.

19 Q. Okay. You can answer the question.

20 A. I don't remember what the question was.

21 Q. Well, I sure don't either.

22 Oh, wait a minute. Yes, I do. I do remember what  
23 it was. It was, do you remember in the summer after these  
24 events of this week that we've been discussing Richard Werlin  
25 called you up and asked you to come to the school district

Page 65

1 what had happened between you and I at that time.

2 Q. Okay. Did you make a complaint about Maura  
3 Larkins to Gretchen Donndelinger and Rick Werlin on April 20th,  
4 2001?

5 MS. ANGELL: Asked and answered. The witness  
6 already said that she told those people what had transpired  
7 between the two of you. I think you're asking her to make  
8 some sort of a legal conclusion or something about what that  
9 equals, but she said she doesn't know.

10 MS. LARKINS: I'm just trying to build on it. We  
11 need to establish that in order to ask the next question.

12 THE WITNESS: I answered the question.

13 BY MS. LARKINS:

14 Q. Okay. I'm assuming that the answer was yes, and  
15 now I want to ask the next question.

16 MS. ANGELL: Misstates the testimony.

17 BY MS. LARKINS:

18 Q. What did you tell Rick Werlin on April 20th, 2001  
19 about Maura Larkins?

20 A. That's all written down here. Did you want to --  
21 want me to read this out loud?

22 Q. If you wish.

23 A. Okay. Friday --

24 Q. Are you sure that you -- that's exactly what you  
25 told him?



Page 66

1 A. I told him exactly what had happened at the pool.  
2 I was very upset.  
3 Q. You don't remember right now? I'd really prefer  
4 that you -- you know, if you remember, that you don't read.  
5 A. Sure. Absolutely.  
6 Q. Okay.  
7 A. I will tell you what happened.  
8 Q. Okay.  
9 A. Now, you want me just to -- for on Friday what had  
10 happened?  
11 Q. Yeah. What did you tell Rick Werlin and Gretchen  
12 Donndelinger on Friday about Maura Larkins?  
13 MS. ANGELL: Do you mean at the Friday, April 20,  
14 2001 afternoon meeting sometime around 2:45 that she doesn't  
15 know whether or not Mr. Werlin was there? Is that the  
16 meeting you're talking about?  
17 BY MS. LARKINS:  
18 Q. Okay. Just a minute. Have you come to have a  
19 clearer memory of that meeting than you had when we first  
20 started talking about it?  
21 A. I remember what I said at the meeting. I'm not  
22 sure who was there.  
23 Q. Do you remember that Rick Werlin was there?  
24 A. I'm not sure. I'm just not sure. He might have  
25 been there, but he may not have been there.

Page 67

1 Q. When you made -- when you -- okay. Can you just  
2 tell me in a nutshell what was your basic complaint about  
3 Maura Larkins on that date, April 20th, 2001?  
4 A. Because -- well, I went through the whole week,  
5 what had happened, all the events that led up to Friday and  
6 the fact that I felt that you threatened me at Loma Verde  
7 pool in the pool house inside the dressing room area.  
8 Q. On what date?  
9 A. On Friday, April 20th --  
10 Q. Okay.  
11 A. -- 2001.  
12 MS. ANGELL: Do you mean that you felt that she  
13 threatened you on Friday, April 20th, 2001 at the pool house?  
14 THE WITNESS: Yes.  
15 BY MS. LARKINS:  
16 Q. Threatened physically?  
17 A. Yes.  
18 Q. Okay. In what way?  
19 A. That you came up to me when I was getting my  
20 children ready to go back to school, and you started talking  
21 to me. And I said -- I said, "Maura, I don't want to talk to  
22 you unless Gretchen or Rick Werlin or Maria Beers or Gina  
23 Boyd were present, and you did not accept that, and "leave me  
24 alone." You continued to talk to me in a very loud manner,  
25 and I repeated it a second time. I said, "I don't want to

Page 68

1 talk to you unless those people were present."  
2 And you just started raising your voice, ranting  
3 and raving about the truth will come out in court, and you  
4 had your fist up in the air like this right by my face. And  
5 you -- I remember because it reminded me of the Statue of  
6 Liberty. And you were ranting and raving the truth will come  
7 out, and I put my hands up like this because I was afraid  
8 that you were going to come at me. You had me backed into a  
9 corner. And I was very fearful for my children that were  
10 around, and I just started saying anything I could think of  
11 to diffuse you and to walk around you and get out of there.  
12 And I got back to school as fast as I could and I said that's  
13 it.  
14 Q. And this happened the day after your son convinced  
15 you that only Kathy Bingham would be saved and everyone  
16 else --  
17 MS. ANGELL: Objection --  
18 MS. LARKINS: -- would be dead?  
19 MS. ANGELL: -- misstates prior testimony.  
20 BY MS. LARKINS:  
21 Q. Okay. Did you fear that Maura Larkins might kill  
22 or harm everyone but Kathy Bingham?  
23 A. I didn't know what you meant. I just knew that it  
24 wasn't appropriate and it was fearful, and it was not  
25 appropriate behavior, and we -- I don't know what you were

Page 69

1 thinking, but it wasn't making me feel very calm. I felt  
2 upset about it.  
3 Q. Okay. So you were already upset and fearing  
4 possible physical harm from Maura Larkins before this  
5 incident that you report?  
6 A. If you'd like to go back to Wednesday, you did not  
7 go over Wednesday's incident at Loma Verde pool that led up  
8 to the Friday incident. Would you like to go back to that?  
9 Q. Honestly, Ms. Watson, your memory is so poor that  
10 I'm -- it's just -- it's so difficult to go over these events  
11 with you, and I'm trying to get through them as quickly as  
12 possible. Can you just answer my question?  
13 MS. ANGELL: I don't remember the question. Can I  
14 have --  
15 BY MS. LARKINS:  
16 Q. Was Thursday the day when your son convinced you  
17 that Maura Larkins was going to kill or somehow physically  
18 harm everybody but Kathy Bingham?  
19 MS. ANGELL: Same objection. Mischaracterizes  
20 prior testimony as to son convincing somebody.  
21 THE WITNESS: Yeah. My son -- my son stated that  
22 he thought you were threatening me and that I was, you know,  
23 in danger. And you also on Wednesday had yelled at me at the  
24 pool and called me a liar and delusional, and never once did  
25 I raise my voice to you. And so all these incidents just

Page 70

1 snowballed, and I don't know why you were acting that way  
2 towards me.  
3 BY MS. LARKINS:  
4 Q. Do you think that these incidents could have been  
5 perceived by you because you were already in a great state of  
6 fear and tension?  
7 A. No.  
8 Q. You're quite sure that you got everything right  
9 except for that little problem about whether you were in the  
10 locker room or by the fence?  
11 A. That's right.  
12 Q. Okay. So you told these things to Mr. Werlin on  
13 Friday about a fist being very near your face?  
14 A. I said I didn't know if Mr. Werlin was there on  
15 Friday.  
16 Q. Okay. But you did say this to Gretchen?  
17 A. Yes.  
18 Q. Okay. You made this report on Friday to Gretchen.  
19 MS. ANGELL: Friday, April 20, 2001, correct?  
20 THE WITNESS: Yes.  
21 BY MS. LARKINS:  
22 Q. Okay. I'd like you to look at Exhibit 2, Page 47.  
23 A. Exhibit 2, Page 47.  
24 Q. Actually, can I change that to Page 46.  
25 A. Which one, mine or Gina Boyd's?

Page 71

1 Q. It's yours. Actually, can I -- let's go up to 46  
2 up there, Line 22. Could you just read that one paragraph  
3 there which extends down onto Page 47.  
4 A. "As I was walking out, trying to get around her, I  
5 said, 'Maura, I had nothing to do with the Jo Ellen thing. I  
6 thought we were friends.' I was trying to think of anything  
7 I could say to get out of there. She had her fist up in the  
8 air like this, like the Statue of Liberty. She said,  
9 'Justice will be served. Justice will come out,'" and you --  
10 Q. Would you like to continue?  
11 A. If you want me to.  
12 Q. Yes, please do. Read the next paragraph.  
13 A. "Her voice was raised. She was shaking. I didn't  
14 know what she was going to do with her fist. If she was  
15 going to -- I said, 'Are you going to sue me?' She said,  
16 'Justice will be served.' And by that, I was out of there,  
17 and that's -- I was very upset. That was a big part of  
18 it" -- "that was a big part of it that I didn't say."  
19 Q. Okay. Are you confident that you have Maura  
20 Larkins' exact words here or was it -- would you like to  
21 maybe say that it was words to that effect?  
22 A. No. You --  
23 Q. Something about justice?  
24 A. You said --  
25 Q. Those exact words?

Page 72

1 A. You said the truth will come out in a court of  
2 law. That's what you said. Justice will be served.  
3 Q. Okay. Thank you. The truth will come out in a  
4 court of law?  
5 A. Yes.  
6 Q. Okay.  
7 A. That's not in there, but that's -- I remember you  
8 saying that.  
9 Q. Okay. All right. Now, here you say justice will  
10 be served. Justice will come out. And then you ask, "Are  
11 you going to sue me?" Why did you think Maura Larkins would  
12 sue you?  
13 A. Because of what you were saying. You were saying  
14 that the truth will come out in a court of law and justice  
15 will be served and all of those things, and that's what  
16 brought to my mind that you were thinking about suing  
17 somebody.  
18 Q. Somebody. Why did you think it might be you?  
19 A. I don't know. I was just -- I was so frightened,  
20 I was just trying to get out of there. I -- that was just  
21 the first thing that came to my mind.  
22 Q. Were you frightened of being sued?  
23 A. I -- at that point I didn't even -- didn't even  
24 think that you would be suing anybody.  
25 Q. Were you afraid of the truth coming out?

Page 73

1 A. I don't even know what truth you're talking about,  
2 because --  
3 Q. Well, whatever truth you said -- I think you just  
4 quoted me as saying something like the truth will come out in  
5 a court of law. I think you said I said that?  
6 A. Yes.  
7 Q. Were you afraid of that happening?  
8 A. No, I'm not.  
9 Q. Then why did I have to wait a year and a half to  
10 have this deposition?  
11 MS. ANGELL: Objection. Argumentative.  
12 Ms. Watson, don't respond.  
13 MS. LARKINS: That was just a total rhetorical  
14 thing. Pardon me, I shouldn't do that.  
15 Q. Okay. So did you -- do you think that Maura  
16 Larkins may have used the word deposition?  
17 A. When, at that time?  
18 Q. Yeah.  
19 A. No.  
20 Q. You're sure Maura Larkins didn't use the word  
21 deposition?  
22 A. (Witness shakes head.)  
23 MS. ANGELL: Asked and answered.  
24 BY MS. LARKINS:  
25 Q. Okay.

Page 74

1 MS. ANGELL: Please remember to answer in audible  
2 yes, no responses rather than shaking the head and stuff like  
3 that.

4 THE WITNESS: Okay.

5 BY MS. LARKINS:

6 Q. Now, here you talk about "she had her fist up in  
7 the air, like this, like the Statue of Liberty," but this  
8 doesn't say anything about it being near your face. Do you  
9 think that could be something that your memory has created  
10 since then?

11 MS. ANGELL: Objection. Argumentative.

12 THE WITNESS: No.

13 BY MS. LARKINS:

14 Q. Okay. You have no idea why you didn't mention  
15 that, what I would think would be an important detail at this  
16 time?

17 MS. ANGELL: Objection. Argumentative. In  
18 addition, this line of questioning is not reasonably  
19 calculated to lead to the discovery of admissible evidence,  
20 is irrelevant. That's it.

21 BY MS. LARKINS:

22 Q. How long was Maura Larkins' fist up in the air?

23 MS. ANGELL: On April 20th, 2001 in the pool house  
24 at Loma Verde pool? Is that what you mean?

25 MS. LARKINS: Yes.

Page 76

1 A. At least a minute.

2 Q. A minute. She must work out.

3 MS. ANGELL: Objection. Argumentative.

4 No response, Ms. Watson.

5 BY MS. LARKINS:

6 Q. Okay. What did Maura Larkins say when you asked  
7 if she was going to sue you?

8 A. I remember you saying -- you just kept saying over  
9 and over again the truth will come out in a court of law.

10 The truth will be said. Justice will be served. And you  
11 just kept -- I mean, it didn't make any sense to me at all.

12 Q. About how many times did Maura Larkins repeat  
13 justice will be served. The truth will come out?

14 MS. ANGELL: To the best of your recollection,  
15 Ms. Watson.

16 THE WITNESS: The best of my recollection,  
17 probably around two or three times each of those items, each  
18 of those statements.

19 BY MS. LARKINS:

20 Q. Uh-huh. Okay. It sounds like quite a -- quite an  
21 experience. Did Maura Larkins say anything about a lie  
22 detector?

23 MS. ANGELL: Vague and ambiguous as to time.

24 BY MS. LARKINS:

25 Q. At this encounter that we've been talking about

Page 75

1 THE WITNESS: Is that the question? Okay. The  
2 whole incident probably took -- took place in about two or  
3 three minutes. And after I told you not to talk to me, you  
4 just started getting very upset, and your fist -- I remember  
5 going around you and getting out the door, and you were kind  
6 of going back towards me also, and as I was at the door, your  
7 fist was still up in the air. You and I are about the same  
8 height, so it was at my face level.

9 BY MS. LARKINS:

10 Q. I was going back?

11 A. You were -- you were -- as I was going around, you  
12 were kind of -- I was trying to get out of there, and you  
13 were continuing to go back towards the door.

14 Q. So we were both going in the same direction?

15 A. I was trying to get out of there as fast as I  
16 could. Exactly, you were trying to keep -- you were still  
17 talking to me and ranting and raving with your fist in the  
18 air as I was getting out of there as fast as I could. So you  
19 were backing towards the door as I was trying to get around  
20 you to go out the door.

21 Q. So you were forcing me backward?

22 A. I wasn't forcing you backwards. I was trying to  
23 get out of there. That's what was happening.

24 Q. Okay. So was Maura Larkins' fist up in the air  
25 for two or three minutes?

Page 77

1 here on April 20th, 2001.

2 A. I don't remember you saying anything about a lie  
3 detector.

4 Q. I don't either.

5 Were you worried that you might have to take a lie  
6 detector test?

7 MS. ANGELL: Vague and ambiguous as to time.

8 BY MS. LARKINS:

9 Q. On this date, April 20th, 2001?

10 MS. ANGELL: Objection. Argumentative.

11 MS. LARKINS: I just want to know if she was  
12 worried that she might have to take a lie detector test.

13 THE WITNESS: No. It never occurred to me. I  
14 don't know what I would be lying about. I don't even  
15 understand what -- why I would be having a problem. Taking a  
16 test for what.

17 MS. LARKINS: Okay. I need another five-minute  
18 break.

19 MS. ANGELL: It's now about 20 after 1:00.

20 Ms. Watson, did you need a lunch break?

21 THE WITNESS: Yes. Yes, please.

22 THE VIDEOGRAPHER: Going off the record.

23 MS. LARKINS: Yeah, let's.

24 THE VIDEOGRAPHER: This concludes Tape 1 of the  
25 deposition of Linda Watson. We're off the record. The time

Page 78

1 now is 1:19 p.m.  
 2 (Lunch recess taken.)  
 3 THE VIDEOGRAPHER: This is Tape 2 of the  
 4 deposition of Linda Mae Watson. We're back on the record.  
 5 The time now is 2:32 p.m.  
 6 BY MS. LARKINS:  
 7 Q. I would like to go to the summer of 2001 when Rick  
 8 Werlin called you and asked if you would come to the district  
 9 to meet with Maura Larkins. Did you -- what did you tell him  
 10 when he asked you to come?  
 11 A. When he asked me to come, it was -- I thought it  
 12 was just an informal forum. We were just going to talk face  
 13 to face with you and talk about issues or whatever, and  
 14 that's all I remember it being. And I declined to go because  
 15 I -- I did not feel that I was represented by an attorney at  
 16 that time, and I knew that you did have an attorney. That  
 17 was one of the questions I asked him, does Maura Larkins have  
 18 an attorney, and he said yes. And I said well, I don't have  
 19 an attorney, so I declined to go.  
 20 Q. Did you tell Mr. Werlin that you were emotionally  
 21 distraught?  
 22 A. When?  
 23 Q. At the time that you declined to go to the  
 24 summer meeting.  
 25 A. I don't remember being emotionally distraught.

Page 79

1 MS. ANGELL: Objection. Move to strike.  
 2 Nonresponsive.  
 3 BY MS. LARKINS:  
 4 Q. Did you tell him you were emotionally distraught?  
 5 A. I don't remember.  
 6 Q. Did you tell him that you were healing?  
 7 A. I don't remember what I said to him other than  
 8 what I just told you.  
 9 Q. Okay. I would like to go to Exhibits 10-A and  
 10 10-B. Actually, I'd like to go to 10-B. On Page 81 -- this  
 11 is the deposition of Richard Werlin in the matter of the  
 12 administrative hearing for the dismissal of Maura Larkins.  
 13 MS. ANGELL: I'm sorry, Ms. Larkins. It appears  
 14 that Exhibit B is not the deposition of Mr. Werlin. 10-B,  
 15 sorry, is not the deposition of Mr. Werlin. Am I  
 16 misunderstanding --  
 17 MR. HERSH: I'm sorry, but is there a way to  
 18 increase the volume at your end? I'm having a lot of trouble  
 19 hearing --  
 20 MS. ANGELL: Me too, Mr. Hersh?  
 21 MR. HERSH: -- everybody.  
 22 MS. ANGELL: Are you hearing me okay?  
 23 MR. HERSH: Very light.  
 24 MS. LARKINS: I'm sorry. Did I say deposition?  
 25 MS. ANGELL: Yes. You said it was the deposition

Page 80

1 of Mr. Werlin.  
 2 MS. LARKINS: I meant to say that it was -- yeah,  
 3 I think I did use the word deposition.  
 4 What I meant to say is that it's the reporter's  
 5 transcript of the hearing on the day of January 6th, 2003.  
 6 Thank you for setting that straight.  
 7 Okay. Could we look at Page 81.  
 8 MS. ANGELL: I object to the -- this document,  
 9 this exhibit. It lacks foundation.  
 10 MS. LARKINS: Okay. Tell you what, I will  
 11 withdraw this Exhibit 10-B, but I will let you keep it. And  
 12 I just thought it might be interesting to you to see what  
 13 Mr. Werlin said about teachers not wanting to come to this  
 14 meeting.  
 15 MS. ANGELL: Mrs. Larkins, what does this have to  
 16 do with any of the causes of action in this litigation,  
 17 teachers not going to a meeting in the summer of 2001?  
 18 MS. LARKINS: As I recall, you've reminded me  
 19 several times that I'm the one giving the deposition.  
 20 Okay. That will be a gift for you for future  
 21 reference.  
 22 MS. ANGELL: Objection to plaintiff's  
 23 characterizations which are not questions, the  
 24 characterizations entered into the record, as argumentative,  
 25 badgering, and disrespectful.

Page 81

1 MS. LARKINS: Okay. Maybe it'd be better if I  
 2 took them back? Should I take back the exhibits? Would that  
 3 be better? Would that be less respect -- more respectful?  
 4 MS. ANGELL: Mrs. Larkins, it's your comments on  
 5 the record that are disrespectful. If we can just continue  
 6 with the deposition, any questions related to the litigation,  
 7 that would be great.  
 8 MS. LARKINS: Okay. Could you read me back  
 9 Ms. Watson's last answer.  
 10 MS. ANGELL: If you wouldn't mind if we could  
 11 start with the question. I don't even remember the question.  
 12 (Page 79, Lines 6 through 8 were read back.)  
 13 MS. LARKINS: Thank you.  
 14 Q. Did Mr. Werlin urge you to come to the meeting?  
 15 A. What do you mean by urge?  
 16 Q. Try to talk you into it, impress upon you that it  
 17 was important.  
 18 A. Yes, I think he did. He wanted me to be there if  
 19 at all possible.  
 20 MS. ANGELL: And for purposes of clarity, you're  
 21 referring to the summer 2001 meeting, correct?  
 22 MS. LARKINS: Thank you.  
 23 Q. Did you consider even for a moment the possibility  
 24 that you might go to that meeting?  
 25 A. I probably considered it. But when I found out

Page 82

1 that you had a lawyer and I didn't, I didn't think that was  
2 wise so I didn't go.  
3 Q. Okay. So you were afraid you might be sued; is  
4 that true?  
5 A. I don't know what I was thinking at that point.  
6 That was just a meeting I didn't want to go to.  
7 Q. Okay. And it was acceptable to you -- oh, you  
8 know what, could we look at Exhibit 2, Page 49, Line 6.  
9 Could you read -- I'll read the question and then perhaps you  
10 could read the answer. The question which begins on Line 2  
11 is, "In retelling to other people what had transpired in that  
12 locker room, did you mention to any other people the words  
13 that were spoken about justice in a court of law?" Could you  
14 read your answer.  
15 A. "Well, I expressed it to Dr. Donndelinger when I  
16 got back, and that's when she called Rick Werlin, and I  
17 believe that was the day Gina Boyd was out of town at a  
18 conference, so she wasn't available to be there, and that's  
19 when we all got together in Dr. Donndelinger's office, and  
20 Rick Werlin -- I guess that was what led him to put her on  
21 leave again. I don't know. That was the decision that was  
22 made at the district level."  
23 Q. Do you believe that this page here is discussing  
24 April 20th, 2001?  
25 A. I don't know.

Page 83

1 Q. Well, you mention here "I believe that was the day  
2 Gina Boyd was out of town at a conference," which you earlier  
3 said you believed about April 20th.  
4 MS. ANGELL: Objection. Misstates the testimony.  
5 She did not say that she believed she was gone on April 20th.  
6 I believe that the testimony was that she -- that Ms. Boyd  
7 was gone at a conference at some point during this week under  
8 discussion.  
9 BY MS. LARKINS:  
10 Q. Do you believe that Gina Boyd was out of town on  
11 April 20th, 2001?  
12 A. I don't know if she was. I don't remember.  
13 Q. Okay. Let's continue here. I'll read the  
14 question, and if then you can read the answer that starts on  
15 Line 17. "Did you hear Dr. Donndelinger telephone Rick  
16 Werlin?"  
17 A. You want me to read?  
18 Q. Yeah. Could you read on Line 17.  
19 A. "No. I don't remember the conversation. I'm sure  
20 she did, but I don't remember the conversation. I was  
21 probably talking with the other people. We were probably  
22 trying to gather up the people involved to have a meeting."  
23 Q. Okay. So do you recall this, that you were trying  
24 to gather up people to have a meeting?  
25 MS. ANGELL: Vague and ambiguous as to time.

Page 84

1 BY MS. LARKINS:  
2 Q. On April 20th, did you -- 2001, did you try to  
3 gather up people to have a meeting?  
4 A. I didn't try to gather anyone up. I was very  
5 upset, distraught at that point. I don't know who did or  
6 what happened after that. I don't know how these people were  
7 asked to come to the meeting.  
8 Q. Okay. Could you look at line -- on this same page  
9 that we've been discussing the last couple questions, at Line  
10 12  
11 MS. ANGELL: Page 49, Line 12?  
12 MS. LARKINS: Yes, the same page.  
13 Q. "I guess that was what led him to put her on leave  
14 again." So on this day, whatever day it is, you talked to  
15 Donndelinger, and she called Rick Werlin, according to your  
16 testimony, you believed that -- you believe that Gina Boyd  
17 was out of town on a conference, and you guessed that -- I  
18 guess your expressions are what caused Mr. Werlin to put  
19 Maura Larkins on leave again?  
20 MS. ANGELL: Objection. The document speaks for  
21 itself. Ms. Larkins, this is a separate deposition that was  
22 taken, and the point of our deposition today is for you to  
23 have the opportunity to ask Ms. Watson about what her  
24 recollection is at this time as opposed to asking her to read  
25 into the record, you know, large excerpts from this document.

Page 85

1 that speaks for itself. You certainly have a right to  
2 attempt to authenticate the document, et cetera, and use it  
3 for whatever purpose you wish in whatever pleadings you may  
4 need to use it for. But we're here today to find out what  
5 Ms. Watson knows at this point.  
6 BY MS. LARKINS:  
7 Q. You can answer the question.  
8 MS. ANGELL: If you understand it and recollect.  
9 THE WITNESS: What was the question again?  
10 MS. LARKINS: I have no idea.  
11 I think I can answer. Let me ask a different one.  
12 Q. Do you believe that the report you made on April  
13 20th, 2001, was what caused Rick Werlin to place Maura  
14 Larkins on leave again?  
15 A. No. That was not my intent. I at no time said  
16 anything to that effect, and that was in my previous  
17 deposition.  
18 Q. Okay. You didn't answer my question. Do you  
19 believe that your report on April 20th, 2001 was what caused  
20 Mr. Werlin to place Maura Larkins on leave again?  
21 A. No. There are other people in the office that  
22 were at that meeting that were expressing concerns, Kathy  
23 Bingham, for example, went through that statement.  
24 MS. ANGELL: Excuse me. I'll ask the witness to  
25 answer the question that's asked.



Page 86

1 THE WITNESS: Okay.  
2 BY MS. LARKINS:  
3 Q. Okay. Did Kathy Bingham agree to go on record as  
4 making an allegation against Maura Larkins?  
5 MS. ANGELL: Objection. Assumes facts not in  
6 evidence. Vague and ambiguous as to time.  
7 BY MS. LARKINS:  
8 Q. Okay. On April 20th, 2001, when you were in this  
9 meeting with Kathy Bingham --  
10 A. Uh-huh, uh-huh.  
11 Q. -- and did she say that she would allow her  
12 allegation to go on record?  
13 A. I don't remember. I don't remember what -- what  
14 she said.  
15 Q. All right.  
16 MS. ANGELL: I'll renew my objection to this  
17 entire line of questioning again as being not reasonably  
18 calculated to lead to the discovery of admissible evidence in  
19 the case at bar.  
20 BY MS. LARKINS:  
21 Q. Okay. Did you tell Mr. Werlin that you would go  
22 on record with your allegation?  
23 MS. ANGELL: Objection. Vague and ambiguous as to  
24 time.  
25 ///

Page 87

1 BY MS. LARKINS:  
2 Q. At the -- did you tell Mr. Werlin at the  
3 April 20th, 2001 meeting that you were willing to -- to go on  
4 record as having made the allegation --  
5 MS. ANGELL: Objection.  
6 MS. LARKINS: -- against Maura Larkins?  
7 MS. ANGELL: Assumes facts not in evidence. I  
8 think there's been testimony that it's not clear whether or  
9 not Mr. Werlin was at a meeting on April 20th and that your  
10 question assumes that he was at an April 20th meeting. So  
11 it's confusing to me. I don't know how the witness could  
12 understand the question.  
13 BY MS. LARKINS:  
14 Q. On April 20th, 2001 when you made your report to  
15 Dr. Donndelinger and perhaps Mr. Werlin also, did you agree  
16 to have your allegations go on record officially as an  
17 official complaint against --  
18 A. I don't know.  
19 Q. -- Maura Larkins?  
20 A. I don't know what official means because I was  
21 just there expressing what had happened and expressing how I  
22 felt.  
23 Q. I might have -- I might have some notes that might  
24 help a little bit.  
25 Okay. I ask that this exhibit which is

Page 88

1 handwritten notes by Gretchen Donndelinger that were produced  
2 in the matter of the administrative hearing for the dismissal  
3 of Maura Larkins, these pages are Bates stamped 31 and 32,  
4 and as I recall this was Exhibit 14 of the school district's  
5 exhibits. Could we label this as Exhibit 20.  
6 (Plaintiff's Exhibit No. 20 was marked for  
7 identification.)  
8 MS. ANGELL: And I'll make an objection for the  
9 record as to each and every one of the documents proffered to  
10 be marked as exhibits, not entered as exhibits for lacking  
11 foundation and having authenticity not been established. And  
12 I also object to plaintiff Ms. Larkins' characterization of  
13 the documents seeing as how they lack foundation.  
14 MS. LARKINS: Thank you.  
15 MS. ANGELL: And excuse me. This -- you were  
16 talking about this exhibit -- proffered exhibit to be marked  
17 as No. 20 as being Exhibit 14 to what. You said the school  
18 district's Exhibit 14 to -- what are you talking about?  
19 MS. LARKINS: The administrative hearing for the  
20 dismissal of Maura Larkins.  
21 MS. ANGELL: Some sort of trial exhibit or  
22 something?  
23 MS. LARKINS: Yeah.  
24 Q. Okay. This page is labeled 4/20/01. And could  
25 you read the first three-line section there, Ms. Watson?

Page 89

1 A. Where, under my name?  
2 MS. ANGELL: I'm objecting to the use of this  
3 document that is not marked as an exhibit here. We don't  
4 know what it is, where it came from, it lacks foundation.  
5 And if you're wanting the witness to testify as to -- I'm not  
6 sure what you want her to testify to on it, but I don't know  
7 where this document came from.  
8 MS. LARKINS: I'm trying to help her jog her  
9 memory. I'm just thinking this might help a little bit.  
10 Q. Could you read the first three lines.  
11 MS. ANGELL: Do you mean to herself?  
12 MS. LARKINS: No, out loud, please.  
13 THE WITNESS: Under where it says my name?  
14 BY MS. LARKINS:  
15 Q. No, at the very top.  
16 A. Where it says Rick?  
17 Q. Yeah.  
18 A. "In workplace, sometimes people lose it. We want  
19 to support. We will be fair."  
20 Q. And what does that say right next to Rick?  
21 A. Meeting at teachers -- of teachers after school,  
22 4-20-01.  
23 Q. Okay. And what is the next name after -- Rick is  
24 the first name and then there's some writing. And then  
25 what's the next name that comes next?

Page 90

1 A. Kathy B.

2 Q. Kathy B. Since this is a meeting -- okay. Could  
3 you read what Kathy B. said.

4 MS. ANGELL: Again, I'm objecting to this line of  
5 questioning concerning exhibit -- the document marked as  
6 Exhibit 20. The exhibit lacks foundation. As far as I can  
7 tell so far, this is not calculated to lead to the discovery  
8 of admissible evidence in the matters before the case at bar.

9 MS. LARKINS: Okay. I am a 3rd grade teacher, not  
10 a lawyer, and I am struggling here today. This is very  
11 difficult for me. I'm trying to get some information, and I  
12 am not being very successful at it, but I'm going to soldier  
13 on here.

14 MS. ANGELL: Mrs. Larkins, would you like to stop  
15 so that you can retain counsel to ask these questions for you?

16 MS. LARKINS: I will take that as a rhetorical  
17 question.

18 MS. ANGELL: Because we can stop if you'd like to  
19 retain counsel to ask the questions for you and conduct the  
20 deposition.

21 MS. LARKINS: Okay. Let me see if I understand  
22 you. Are you offering to stop this deposition so that I can  
23 retain counsel to represent me in this matter?

24 MS. ANGELL: You're complaining and making  
25 statements on the record that you're not qualified and that

Page 92

1 A. I'll get you that information.

2 Q. Do I understand correctly that you were upset on  
3 April 20th, 2001, when Maura Larkins mentioned the word court  
4 to-you?

5 MS. ANGELL: I'm going to object to that question.  
6 I think that is vague and ambiguous because the witness has  
7 already testified that she was upset based on being  
8 approached physically and yelled at by Maura Larkins on that  
9 date in the locker room at the school.

10 MS. LARKINS: Well, then we haven't answered this  
11 question.

12 THE WITNESS: What was the question?

13 BY MS. LARKINS:

14 Q. Were you upset by Maura Larkins mentioning the  
15 word court?

16 A. I was upset with your mannerisms and the fist in  
17 my face and the inappropriateness of the location and not  
18 respecting me by stopping and having the conversation at  
19 school with a representative after what I'd been through  
20 prior during that week, like on Wednesday afternoon when you  
21 called me a liar and said I was delusional in front of all  
22 the children and was shouting at me.

23 MS. ANGELL: Again, I renew my objection to this  
24 entire line of questioning. It's not reasonably calculated  
25 to lead to the discovery of admissible evidence about the

Page 91

1 it's difficult for you to conduct a deposition. And I'm  
2 stating that if you feel that you're not qualified or you  
3 don't want to conduct the deposition, that's up to you. It's  
4 your deposition. If you need to have a lawyer do this for  
5 you, then that's entirely up to you.

6 MS. LARKINS: Let's see.

7 MS. ANGELL: As far as complaints about --

8 MS. LARKINS: I think --

9 MS. ANGELL: -- you're not being a lawyer, that's  
10 argumentative. That does not need to be inserted into our  
11 record here, and could we just move the deposition along  
12 without the additional commentary. It would go much more  
13 quickly.

14 BY MS. LARKINS:

15 Q. Okay. Did you call Rick Werlin at his home at any  
16 time?

17 A. No.

18 Q. Would you object to your phone records being  
19 produced for February 10th, 2001?

20 A. I have no objection to that.

21 Q. Okay. What was your phone company at that time?

22 A. I have to get that information for you, because --  
23 I think it was Pac Bell, but my husband pays the bills and I  
24 think -- you know, company's change.

25 Q. Uh-huh. Okay.

Page 93

1 cause of action -- the causes of action that exist in this  
2 litigation. This litigation has a cause of action related to  
3 the use of information from an alleged arrest record. So far  
4 we've not had any question about an alleged record of arrest  
5 or use of information therefrom. We did have a question or  
6 two about a gun. But other than that, that's -- that's the  
7 only thing that's been relevant to this case. And I would  
8 just, you know, respectfully request that we get some  
9 questions that have something to do with the causes of action  
10 that exist as opposed to causes of action which have been  
11 dismissed without leave to amend.

12 BY MS. LARKINS:

13 Q. So on Friday, April 20th, what was it that Maura  
14 Larkins wanted to talk to you about?

15 MS. ANGELL: Asked and answered.

16 BY MS. LARKINS:

17 Q. Tell us.

18 MS. ANGELL: Let me state for the record that I  
19 believe that this repetitive questioning is harassing to the  
20 witness. These questions about the April 20th conversation  
21 have been asked and answered, and I request respectfully that  
22 plaintiff move along and get to a topic that hasn't already  
23 been exhaustively covered.

24 MS. LARKINS: I honestly do not recall asking this  
25 witness what Maura Larkins wanted to talk to her about on

Page 94

1 April 20th.  
2 Could you answer the question what did Maura  
3 Larkins want to talk to you about?  
4 MS. ANGELL: If you were told and you know it.  
5 THE WITNESS: I believe that you were not  
6 satisfied with the answer that you got at our grade level  
7 meeting on Thursday about not doing the teaming the following  
8 week, and you were -- when you approached me, your words were  
9 "I have an" -- and I know you were going to say "I have an  
10 idea as to how we can still team," because you were not going  
11 to let that subject die. You were going to continue. And  
12 that's when I cut you off and I said "I don't want to talk  
13 about it unless we, you know, have a representative present."  
14 BY MS. LARKINS:  
15 Q. Okay. I understand that at that moment you were  
16 fully convinced that you knew what Maura Larkins was going to  
17 say. Now that you think back on it, are you 100 percent sure  
18 that you know what Maura Larkins was going to say?  
19 A. I knew that you had had trouble accepting a  
20 decision, and if you didn't like the decision it was -- you  
21 just kept coming back trying to modify it until it would suit  
22 your needs or be what you wanted. And I just feel that this  
23 was another attempt to continue teaming for the next week.  
24 Q. So your answer is yes, you are quite certain that  
25 you know what Maura Larkins was going to say?

Page 95

1 A. No, I'm not certain what you were going to say  
2 because you only said about three words out of your mouth.  
3 But I'm saying I did not want to talk to you at that point in  
4 that situation, and you came right at me. You came really  
5 close to me. And after what had happened two days prior to  
6 that, I didn't know what to expect, and I didn't really feel  
7 like talking to you in that situation.  
8 Q. Okay. In another situation, though, if someone  
9 came up to you and said I have an idea, you probably would  
10 have heard them out?  
11 MS. ANGELL: Objection. Calls for speculation.  
12 BY MS. LARKINS:  
13 Q. Go ahead and answer.  
14 A. Sure. If -- you know, if the person was talking  
15 rationally and I had a relationship with that person where I  
16 could communicate with them in a reasonable manner, yes, I  
17 would let them finish talking to me.  
18 Q. Okay. Now, at this point do you recall that Maura  
19 Larkins had been back at work for about a week?  
20 A. Yes.  
21 MS. ANGELL: Excuse me. I don't understand the  
22 question as to time. At what point?  
23 MS. LARKINS: The time in the last question. Is  
24 that not permissible to like go from one question to the  
25 next?

Page 96

1 MS. ANGELL: Well --  
2 MS. LARKINS: No, honestly, that's a true  
3 question.  
4 MS. ANGELL: What's going to happen is that when  
5 we get to a motion for summary judgment we'll have to make  
6 citations to the transcript of the deposition.  
7 MS. LARKINS: Yeah.  
8 MS. ANGELL: And your -- quite often your  
9 questions are very long or there are objections in between.  
10 So the question might be five pages back from the answer, and  
11 it will be very difficult for purposes of managing using that  
12 document in the future if the facts aren't close in the  
13 question to the answer. That's why I --  
14 MS. LARKINS: Okay. I'm going to try to do it  
15 every question to include a date, although I know that's not  
16 how --  
17 MS. ANGELL: Well, if we stick with one topic --  
18 MS. LARKINS: -- other lawyers have done it.  
19 MS. ANGELL: -- then that's one thing. But we're  
20 kind of jumping around a lot, and sometimes you talk about  
21 one day and then the next day and back and forth, so just for  
22 purposes of clarity.  
23 MS. LARKINS: Okay. Let's see. Could you read  
24 back my last question.  
25 (Page 95, Lines 18 through 20 were read back.)

Page 97

1 BY MS. LARKINS:  
2 Q. On April 20th, 2001, do you recall that  
3 Ms. Larkins had been back at work for about a week?  
4 A. Yes.  
5 Q. Okay. Had you objected to anybody about her  
6 coming back?  
7 A. No.  
8 Q. Did you feel that she had a right to come back?  
9 A. All of that decision making was at the district  
10 level. I really didn't know why you were on leave. I didn't  
11 know any details. That was all very hush hush and private,  
12 and that was to respect your privacy, and we didn't -- I  
13 didn't inquire.  
14 Q. I believe that we established -- strike that.  
15 I believe that you mentioned that you thought that  
16 it had to do with Jo Ellen Hamilton, the reason that Maura  
17 Larkins was taken out?  
18 MS. ANGELL: I believe the testimony -- that  
19 misstates -- objection. It misstates the testimony. I  
20 believe the testimony was that something read out of an  
21 Exhibit 2 which is not -- which lacks foundation. It was a  
22 reading out of Exhibit 2 which said that she assumed that it  
23 had something to do with Jo Ellen Hamilton but that she  
24 didn't know.  
25 MS. LARKINS: Okay.

Page 98

1 MS. ANGELL: Renew my objection on relevance  
2 grounds.

3 BY MS. LARKINS:

4 Q. Okay. I'm going to try a different tack. Could  
5 we go to Exhibit 4 which is the deposition of Virginia Boyd,  
6 Page 40. Fortunately there's a date right here on the top of  
7 the page. Okay. Could you read out loud, Mrs. Watson, that  
8 first question?

9 MS. ANGELL: I object to the use of this document  
10 that's been marked but not entered as Exhibit 4. It lacks  
11 foundation.

12 And I ask, Ms. Watson, whether or not you've ever  
13 seen a copy of this document that's now placed in front of  
14 you marked as Exhibit 4?

15 THE WITNESS: No, I've never seen this.

16 BY MS. LARKINS:

17 Q. Yes. Could you go ahead and read the first  
18 paragraph. It's a question.

19 MS. ANGELL: I'm sorry, what page?

20 MS. LARKINS: Page 40. It's -- in fact, it's a  
21 question asked by me.

22 Q. Could you go ahead.

23 A. "Okay. Let's go ahead and talk about this meeting  
24 on February 12th. I believe you said that -- here it is. It  
25 was an early morning meeting; you thought that either Tim --

Page 100

1 because the period for corrections hasn't expired.

2 BY MS. LARKINS:

3 Q. Okay. Thank you.

4 All right. And -- okay. Gina Boyd said that she  
5 had spoken to Maura Larkins briefly outside the office. That  
6 would be the district office.

7 And then the questioner, which was me said, "In  
8 the meeting -- what do you remember that Rick Werlin said in  
9 the meeting?" And could you read Gina Boyd's answer there on  
10 Line 12.

11 A. "Rick Werlin indicated that more than one person  
12 had contacted me and indicated that they feared for their  
13 personal safety."

14 Q. Okay. And earlier -- as far as establishing the  
15 year for this, the year is established on Page 39. It is the  
16 year 2001 that -- in which this meeting took place on  
17 February 12th.

18 Okay. I wanted you to note that there is sworn  
19 testimony that more than one person complained. It was not  
20 just Jo Ellen on February 12th, although Jo Ellen did come  
21 forward with her complaint and put herself on the record.  
22 And I'd like to have you look at Jo Ellen's complaint which  
23 is on page -- Exhibit 6.

24 MS. ANGELL: I object to whatever that just was.  
25 If it was a question, I don't know, but I find it to be

Page 99

1 Tim O'Neil or Richard Werlin had called you."

2 Q. Okay. That's fine. I just wanted to establish  
3 that on this page we're talking about this -- you know, I  
4 think maybe we should just keep going to keep this date  
5 established. Could you read the next little paragraph?

6 A. "Did you speak to Maura Larkins before the  
7 February 12th meeting?"

8 Q. Okay. And the answer, since this is the  
9 deposition of Virginia Boyd, was Virginia Boyd's answer, and  
10 she said, "Briefly outside the office. That would be the  
11 district office."

12 MS. ANGELL: I have two objections. First is,  
13 it's -- whatever's going on here is vague and ambiguous.  
14 We're talking about February in some year.

15 In addition, this witness is -- was not present.  
16 I'll represent that this witness, Ms. Watson, was not present  
17 at the deposition of Gina Boyd and that this is not a proper  
18 subject of testimony, reviewing the deposition testimony for  
19 this witness. If -- I don't see how this is even remotely  
20 relevant to the question of whether or not Ms. Watson  
21 received or passed on information from a record -- an alleged  
22 record of arrest concerning Maura Larkins.

23 MS. LARKINS: Okay.

24 MR. HERSH: And I would further object because the  
25 transcript that you're reading has not yet been finalized

Page 101

1 argumentative, badgering, and harassing of this witness.  
2 This is not an opportunity for plaintiff to convince the  
3 witness of events. This is an opportunity for plaintiff to  
4 ask questions and take testimony.

5 MS. LARKINS: Thank you.

6 MS. ANGELL: In addition, in referring to the  
7 document that's been marked as Exhibit 6 and not entered as  
8 an exhibit, I object to the proposed exhibit because it lacks  
9 foundation, lacks authenticity, and I ask the witness whether  
10 or not you've ever seen this document before.

11 THE WITNESS: Never.

12 BY MS. LARKINS:

13 Q. Okay. Could you tell -- could you state out loud  
14 the date that is written at the top of this document.

15 A. Tuesday, February the 6th.

16 Q. And there's even a time of day, isn't there?

17 Could you tell that?

18 A. 11:25 a.m.

19 Q. Okay. Could you read what this document says?

20 MS. ANGELL: Objection. This line of questioning  
21 is not reasonably calculated to lead to the discovery of  
22 admissible evidence with regard to the matters in the case at  
23 bar.

24 THE WITNESS: "Maura and I were both in the lounge  
25 doorway, and I said, 'Gretchen told me that you submitted a